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NO. 1126

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969.

PEOPLE OF THE STATE OF ILLINOIS,
Ex Rel. PETER S. SAVELAS,
Petitioner,

vs.

BOARD OF MANAGERS AND COMMITTEE ON
GRIEVANCES OF THE CHICAGO BAR ASSOCIATION,
AS COMMISSIONERS OF THE SUPREME COURT OF
ILLINOIS,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF ILLINOIS.

Peter S. Savelas,
30 North La Salle Street,
Chicago, Illinois 60602,
CEntral 6-1442,
Petitioner, Pro Se.

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Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF ILLINOIS.

Petitioner prays that a Writ of Certiorari be issued to review the judgment of the Supreme Court of Illinois entered in the above cause on September 18, 1970, denying petitioner's Motion for leave to file a Petition for an original Writ of Prohition.

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OPINION BELOW

No opinion was rendered by the Illinois Supreme Court.

JURISDICTION.

The judgment of the Supreme Court of Illinois, denying petitioner's Motion for leave to file a Petition for an original Writ of Prohibition, was entered on September 18, 1970. (Appendix C, infra, page 22).

The Petitioner invokes the jurisdiction of this Court under 28 U.S.C.A. Section 1257(3), since the validity of a state statute on grounds of repugnancy to the Constitution and laws of the United States is drawn in question and since Federal Constitutional rights, privileges, and immunities are involved.

"The State Supreme Court's judgment finally disposing of the writ of prohibition is a final judgment reviewable here under 28 U.S.C. 1257, U.S.C.A. 1257." Madruga v. Superior Court, 346 U.S. 556, 557, footnote 1, 74 S.Ct. 298, 299, footnote 1.

Denial of application for writ of prohibition without an opinion by the highest Court of state is a final judgment. Michigan Central Co. v. Mix, 278 U.S. 492,494, 73 L.Ed. 470,472 (Citing authorities).

It is not necessary that the judgment in order to be "final" should decide upon the rights which are litigated. It is sufficient that it determines the particular cause. Weston v. City Council of Charleston, 27 U.S. 449, 464, 7 L.Ed. 481, 486-487.

QUESTIONS PRESENTED.

1. Whether Section 751(a) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101-59 of Chapter 110, by empowering the respondents to act as a super court, or board of inquisition, (without a signed and verified or a signed complaint, and without a complainant or any witness appearing to testify, and without proof,) with power to interfere with and inquire into the private litigation of petitioner, past and pending, is unconstitutional as invading petitioner's federal constitutionally protected rights, privileges, and immunities.

2. Whether Section 751(a), by empowering respondents to interfere with, and inquire into, the private litigation of petitioner, past and pending, is unconstitutional, as depriving petitioner of the equal right to sue, be party, give evidence, and of the right to the full and equal benefit of all laws and proceedings for the security of person and property.

3. Whether Section 751(a) is unconstitutional by empowering respondents to invade the federal constitutionally protected rights of petitioner, not to have his private litigation, past and pending, interfered with, reviewed, or re-adjudicated by respondents purporting to be empowered as a super court or board of inquisition, outside of, or over and above, the duly constituted state and federal court system.

4. Whether the filing in the Illinois state and federal courts of legal papers by petitioner acting for himself as private litigant, and his prosecution of court actions affecting his own person, property and reputation, can be the foundation for respondents, acting as a super court or board of inquisition, to accuse or prosecute petitioner, without a signed and verified or signed complaint, and without a complainant or any witness appearing to testify, and without proof.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

A.) Amendment XIV to the Constitution of the United States, Section 1:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person

of life, liberty,or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

B.) Illinois Revised Statutes, 1967-1969, page 1713, Chapter 110A, Section 751(a) provides:

> (a) The Board of Governors and its existing Committee on Grievances, and their successors as such, of the Illinois State Bar Association, and the Board of Managers and its existing Committee on Grievances, and their successors as such, of the Chicago Bar Association, are hereby appointed as Commissioners of the Supreme Court and are empowered and charged to make investigations from time to time, as may be necessary, concerning practices of attorneys at law which tend to defeat the administration of justice or to bring the courts and the legal profession into disrepute. To this end, these commissioners are further empowered and charged to receive, entertain, inquire into, and take proof concerning complaints against attorneys at law of this State, and may call to their assistance in such inquiries other members of the bar or bar associations of the State, may make all necessary rules and regulations concerning the conduct of such inquiries, and may themselves, or by such committees as they may designate, take the evidence of witnesses, as hereinafter provided.

C.) Illinois Revised Statutes, 1967-1969, page 1713, Chapter 110A, Section 751(b) provides:

> (b) No complaint against an attorney at law shall be entertained unless it is signed by the person or persons aggrieved or by the president and secretary of a regularly organized bar association or by the chairman of a regularly appointed committee of the Chicago or Illinois State Bar associations and unless it is sufficiently clear and specific in its charges as reasonably to inform said attorney at law of the acts of misconduct he is claimed to have committed.

D.) Title 18 of United States Code, Section 241:

"If two or more persons conspire to injure, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; ***."

E.) Title 18, of United States Code, Section 242:

"Whoever, under color of any law, statute,ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ***."

F.) Title 18 of United States Code, Section 1503:

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States, *** or injures any party or witness in his person or property on account of his having attended such court,*** or on account of his testifying or having testified to any matter pending therein, *** or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence,obstruct, or impede,the due administration of justice, ***."

G.) Constitution of Illinois, Article VI, Section 1, Illinois Revised Statutes, 1965-1969, page 18:

"The judicial power is vested in a Supreme Court,an Appellate Court and Circuit Courts."

STATEMENT OF THE CASE.

a.) Petition for Writ of Prohibition(Appendix A, infra, pages 1-16).

b.) Suggestions in Support of Motion for Leave to file Petition for Writ of Prohibition (Appendix B, infra, pages 17-21).

The Proceedings below.

(a) On November 4, 1965, the petitioner received a letter dated November 2, 1965, on the letterheard of the Committee on Inquiry of the Chicago Bar Association, signed by the Secretary, the pertinent parts of said letter are as follows:

"I am directed by the Committee on Inquiry of the Chicago Bar Association to advise you that it has instituted an inquiry concerning you with regard to certain litigation involving certain Judges."
"The Committee directs that you be present, and bring with you your files and records in this matter."
(Addendum to Record. p. 1). (Appendix A, infra, page 5).

On November 4, 1965, petitioner addressed a letter to the Committee on Inquiry, The Chicago Bar Association, attention of its Secretary, the pertinent parts of said letter being as follows:

"I request that you furnish me by November 9th,1965, the following:
"1. Copy of Complaint, if any, with full specifications as to the matter of inquiry.

"2. The name of the complainant, if any.

"3. The nature and reason, source and purpose of the inquiry.

"4. What 'certain judges', and what 'certain litigation', referred to in the first paragraph of your letter .

"5. Copy of the Rules of the Committee.

6."List of members of the Committee.

"7. List of members of sub-committee, if any.

"8. What 'files and records in this matter' are referred to in paragraph third of your letter stating, 'and bring with you your files and records in this matter.'

"Please acknowledge receipt of this letter". (Addendum to Record, page 2).(Appendix A, infra pages 5-6).

Receiving no response, petitioner addressed a second letter to the said Committee on Inquiry, attention of its Secretary, demanding once again to be informed as requested in his letter of November 4, 1965.(Addendum to Record, page 3). (Appendix A, infra, page 6).

No response was received by petitioner to his two letters, but instead, on November 19, 1965, he received a letter from the Secretary of the Committee on Inquiry, repeating substantially the same as in his letter of November 2, 1865, (Addendum to Record, page 1), and ordering again that petitioner bring his files and records without specific reference as to what files and records. (Addendum to Record, page 4). (Appendix A, infra, page 6).

On November 23, 1965, petitioner addressed a third letter to the Committee on Inquiry, attention of its Secretary, repeating his demand to be informed, and to this letter there was no response. (Addendum to Record, page 5). (Appendix A, infra, page 6).

(b). On March 3rd, 1966, one Morris L. Simons, purporting to be empowered as a functionary of the Chicago Bar Association, by and through the medium of telephone, sought to frighten and intimidate the petitioner, and sought to induce him to violate attorney-client ethics and privilege, regarding matters handled by petitioner in 1962, for his then client, Sherman H. Skolnick. (Vol. I of Record, page 66; Vol. III of Record, page 379). (Appendix A, infra, page 6).

(c). On March 4, 1966, a letter was delivered to petitioner through the United States Mail, dated March 3, 1966, signed by the said Morris L. Simons, for the obvious purpose to frighten and intimidate the petitioner, in which letter Morris L. Simons, states:

> "This is to confirm our telephone conversation on March 3, 1966 in which you declined to discuss your representation of Mr. Sherman H. Skolnick before Judge Joseph S. Perry without the consent of Mr. Skolnick."

(Addendum to Record, page 6; Vol. I of Record, page 66; Vol. III of Record, page 379). (Appendix A, infra, page 6.)

(d). On March 28, 1966, an unsigned and unverified complaint was filed, in violation of Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101.59, of Chapter 110, set forth verbatim on page 5 of this Petition. (Vol. I of Record, pages 1, 7). (Appendix A, infra, page 6).

(e). On April 7, 1966, one Charles E. Herzog, purporting to be a functionary of The Chicago Bar Association, simulated legal process and personated a judicial official by making, issuing and signing a paper labeled "Order", and ordering service of an unsigned and unverified complaint on petitioner, and ordering "hearing" before the Grievance Committee, all in violation of Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101.59 of Chapter 110, set forth verbatim on page 5 of this Petition; and in violation of Section 32-5, of Chapter 38, Illinois Revised Statutes, 1965-1969, which makes it a criminal offense to personate falsely a judicial or governmental official; and in violation of Section 32-7, of Chapter 38, which makes it a criminal offense to simulate falsely legal process. (Addendum to Record, page 16). (Appendix A, infra, page 7).

The said Charles E. Herzog, was law partner and associate of one Charles T. Martin, who was sued by Sherman H. Skolnick, to recover damages for torturing, terrorizing and intimidating Skolnick, a paraplegic invalid and cripple, for four hours and twenty minutes continuously in their office,

under the sham and pretense of taking his deposition. (Vol. I of Record, pages 17-18, par. 15(b); Vol. II of Record, page 156, par. 15(b), and page 157, first paragraph).(Appendix A, infra,page 7).

See: Skolnick v. Martin, 47 Ill. App.2d 167, 197 N.E.2d 739, at 740, second column.

(f). On April 7, 1966, the respondents, purporting to be empowered as aforementioned, caused an unsigned and unverified complaint to be published and circulated against petitioner, simulating legal process and judicial proceedings, which said complaint contained false, distorted and defamatory descriptions of the private litigation of petitioner, as individual, linking petitioner with the litigation of Sherman H. Skolnick, in which petitioner was a total stranger. (Vol. I of Record, pages 1-7, 7). (Appendix A, infra, page 7).

(g) On October 5, 1966, in the late afternoon, the respondents, purporting to be empowered as aforementioned, caused an armed person wearing a policeman's uniform to invade petitioner's office, who took a position of aiming against petitioner to frighten and menace him, and after making all the terrorizing and menacing gestures and motions, pulled out a paper labeled subpoena, commanding the petitioner to appear on October 6, 1966, at 6:30 P.M., before an assemblage of persons consisting of Lester Asher, Morris J. Wexler, David Jacker, and Sydney Wolfe, (Addendum to Record, page 21; Vol. I of Record, pages 62-63; Vol. I, transcript of proceedings, pages 5,6,7,10,16-17,19,20), said persons purporting to act as Commissioners, without

jurisdiction. without authority, and in violation of said Section 751(b) of Chapter 110A, Illinois Revised Statutes 1967-1969, formerly Section 101.59 of Chapter 110, set forth verbatim on page 5 of this Petition. (Appendix A, infra, pages 7-8).

(h). On October 6, 1966, the assemblage of persons named in the paragraph preceding, presided by Lester Asher, received the unsigned, unverified complaint against petitioner, in violation of said Section 751(b), consisting of unfounded and unproven conclusions only, without a complainant or any witness appearing to testify, and without proof. (Vol. I of Record, page 7, pages 2-7). (Appendix A, infra, page 8).

John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, stated that he has no witnesses. (Vol. I of Record, transcript of proceedings, page 41). (Appendix A, infra, page 8).

The petitioner objected and challenged the jurisdiction and authority of said assemblage of persons to function and proceed, falsely personating judicial officials, and falsely simulating legal process, in violation of Chapter 38, Sections 32-5 and 32-7 of the Illinois Revised Statutes, 1965-1969; and in violation of the Illinois Constitution, Article VI, Section 1, which vests judicial power solely in the duly constituted courts, with no power for the courts to delegate any of their duties to any person or persons, not of the judicial branch of government; and

in violation of said Section 751(b), Chapter 110A, set forth verbatim on page 5 of this Petition. (Appendix A, infra, page 8).

(i). On October 6, 1966, the petitioner objected and challenged the asserted jurisdiction and authority of said assemblage of persons, presided by Lester Asher, to receive as "evidence" an altered unsigned complaint against petitioner, which contained changes, notations, interlineations, admitted to have been made by John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant. Such attorney refused to furnish to petitioner a copy of such altered complaint, although repeatedly requested. (Vol. I, transcript of proceedings, pages 36, 37, 38; Vol. I of Record, page 52, par. 2; page 54, page 63, second paragraph; Addendum to Record, page 23, par. 2; Vol. III of Record, page 380, last paragraph; Vol. II, transcript of proceedings, page 128). (Appendix A, infra, pages 8-9).

(j). On October 6, 1966, the first session was convened by the assemblage of persons, named above on page 11, paragraph (g), presided by Lester Asher, purporting to be empowered as aforementioned. The petitioner objected and challenged the pretended jurisdiction and authority of such persons to receive and file instanter, without Notice and without service of copy, a purported "Amendment" to the unsigned and unverified complaint, which said Amendment was not signed by a person authorized to sign by said Section 751(b) of Chapter 110A, set forth verbatim on page 5 of this Petition; and petitioner objected to the denial of his request to examine such Amendment before filing;

and petitioner objected to ordering an answer to such Amendment within seven days, although the Committee Rules allow a minimum of 15 days, with timely Notice and service of copy before filing. (Vol. I, transcript of proceedings, pages 9, 10, 13, last paragraph; pages 13, 14; page 24, last paragraph; Addendum to Record, page 23; Vol. I of Record, page 51, page 54, paragraph 1; page 62, page 63, paragraph 2; Vol. III of Record, page 380, paragraphs 2nd, 3rd, 4th and fifth.) (Appendix A, infra, page 9).

(k). On November 10, 1966, the second session convened by the assemblage of persons above named, purporting to be empowered as aforementioned , the petitioner objected and challenged the asserted jurisdiction and authority of such persons to receive as "evidence" a photocopy of an order which was vacated or amended 44 days previously, nunc pro tunc as of September 12, 1966, showing that a Complaint in the Federal Court Case No. 66 C 1351 (Vol. II of Record, page 153), was dismissed "without prejudice". A photocopy of the amended order is attached to petitioner's Objections made part of Record, marked Exhibits "1", "1-A", pages 6-A,6-B. (Vol. I, transcript of proceedings, pages 101, 114, 115, 117, 119, 120. 121, 122; Vol. I of Record, page 64, par. 3, continued on page 65; Vol. III of Record, page 381, 3rd par.) (Appendix A, infra, page 9).

(l). On February 1st, 1968, an ex parte illegal session was convened by the assemblage of persons above named, purporting to be empowered as aforementioned, after receiving

petitioner's letter and Notice, via Certified Mail, with Return Receipt showing delivery on January 29, 1968, that petitioner's case in the Federal Court, No. 66 C 1773, (Vol. I of Record, pages 29-35; Vol. II of Record, page 223), wherein Lester Asher, presiding in the proceedings against petitioner was a defendant, was pending, and to desist from convening sessions during the pendency of said case in the Federal Courts. (Vol. II of Record, page 223, showing that the Notice was filed on January 29, 1968; Vol. II, transcript of proceedings, pages 133-134, 136, 147-148, 150). (Appendix A, infra, pages 9-10).

Lester Asher presiding, stated to Scheltheff, attorney for a pretended, unseen and unheard of complainant:

"I think once again rested your case".

Scheltheff replied: "Yes, sir.:
(Vol. II, transcript of proceedings, page 155). (Appendix A, infra, page 10).

Lester Asher stated that Commissioner Cotsirilos disqualified, and excluded Commissioner Hickey, stating that Hickey will not partidpate in any of the decisions and consideration of the case. (Vol. II, transcript of proceedings, pages 157, 158). (Appendix A, infra,page 10.)

Thereupon, Lester Asher announced: "The case is, therefore, closed." (Vol. II, transcript of proceedings, page 159), and on page 1, Vol. I of Record, it is stated; "February 1,1968, Proofs closed." (Appendix A, infra, page 10).

(m). <u>On April 24, 1969,</u> a fourth illegal session was

convened, with only Lester Asher and Morris J. Wexler, present, each declaring that he was "chairman", purporting to be empowered as aforesaid.

Although on November 10, 1966, it was stated that complainant rests (Vol. I of transcript of proceedings, page 120, first 2 lines), and although on February 1st, 1968, the third illegal session convened, hereinabove described on pages 14-15, paragraph (1), the presiding Lester Asher announced, "The case is, therefore, closed", (Vol. II of transcript of proceedings, page 155), which is confirmed on page 1 of Volume I of Record with the statement, "February 1, 1968, Proofs closed", the aforesaid Lester Asher and Morris J. Wexler, allowed John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, to offer copies of complaints in the private litigation of petitioner, past and pending, in "evidence", without previous Notice, without service of any papers, without a complaint, without a complainant or any witness to testify, and without evidence.(Appendix A, infra, pages 10-11).

The petitioner objected and challenged the jurisdiction and authority of the said Lester Asher and Morris J. Wexler, to proceed and act in violation of the Constitutional guaranties of Due Process and Equal Protection of the Laws.

They ordered a session for May 8, 1969, the fifth one. In Volume I, page 1, it is stated that the "Hearings held" were only on October 6, 1966, November 10, 1966 and February 1st, 1968. (Appendix A, infra, page 11).

(n). On May 8, 1969, which was two years, five months and 29 days after November 10, 1966, when the said Schelthoff declared that complainant rests, the petitioner objected and challenged the asserted jurisdiction and authority of the assemblage of persons, presided by Lester Asher, to receive as "evidence" copies of Complaints of petitioner's past and pending litigation, as individual, without a signed and verified or signed complaint, as required by Section 751(b) of Chapter 110A of the Illinois Revised Statutes, set forth verbatim on page 5 of this Petition, without a complainant or any witness appearing to testify, and without proof. Lester Asher, presiding, ordered: received as "evidence" as of April 24, 1969. (Vol.III, May 8, 1969, transcript of proceedings, page 54; April 24, 1969, transcript of proceedings, pages 184, 185, 190, 199). (Appendix A, infra, page 11).

Commissioner Warren J. Hickey, was not present in any of the previous sessions (Vol. III, transcript of paroceedings, page 20); and Commissioner Kevin J. Gillogly, was only present once before, on November 10, 1966 (Vol. III, transcript of proceedings, page 14). (Appendix A, infra, page 11).

(o). Petitioner made repeated demands for respondents to furnish him the names of witnesses, if any, and a list of documents proposed to be offered in evidence. All demands were denied. (Addendum to Record, page 23; Vol. I of Record, page 53; Vol. I, transcript of proceedings of October 6,1966, page 21, last paragraph; page 23, 7th and 8th paragraphs;

Vol. I, transcript of proceedings of November 10,1966, page 65, 3rd paragraph; page 66, first paragraph.) (Appendix A, infra, page 11).

(p). Volume IV of"Report" , signed by the said Lester alone, is labeled "Findings of the Committee on Grievances", knowing that thereis no signed and verified or signed Complaint against petitioner, by a person or persons required and specified under Section 751(b), of Chapter 110A of the Illinois Revised Statutes; and knowing that no complainant or any witness appeared to testify; and no proof was made of the allegations contained in such unsigned and unverified complaint, consisting of conclusions and innuendoes only (Vol. I of Record, pages 2-7); and knowing that such "Findings" are fictitious, and were made, published and circulated with the caption "In the Supreme Court of Illinois", in order to give such "Findings" a wider cieculation, since on to wit: Nacvember 14, 1969, which was five months and 20 days before the filing on May 4, 1970, in the Illinois Supreme Court.(App.A,infra,pp.11-12).

Such "Findings" are prefaced by a statement consisting of unfounded and unproven conclusions only, demonstrating the willful and malicious defamation mongering of the signer of such "Findings".

No reference to the pages are made in support of such "Findings". They reveal a devious technique of lumping into one paragraph words plucked out of context from more than one page, thereby disterting, falsifying and omitting

the highly specific fact allegations in petitioner's Complaints attached to Volumes I, II and III of "Report". (Appendix A, infra, page 12).

(q). On April 13, 1970, a paper labeled "ORDER", signed by one Dean A. Esling alone, was delivered by mail to petitioner, postmarked April 10, 1970 and dated April 3rd, 1970, approving "The Report and Findings" of Lester Asher, described above, "with the exception of Finding No. 10 Volume IV, page 391)", which had falsely charged that petitioner had filed a certain action on behalf of Sherman H. Skolnick, which said action was prepared and filed by Skolnick alone, more fully related on page 3, paragraph 7 of Appendix, and Skolnick's Affidavit attached as Exhibit "1", page 4 of Appendix A.

Said "ORDER" allowed only seven days with only four working days to file Objections before the Board of Managers. (Appendix A, infra, page 12).

(r). On April 28, 1970, a paper labeled "ORDER" signed by Frank Greenberg alone, was delivered by mail to petitioner, dated April 23, 1970, denying petitioner's timely Motion, for extension of time to file Objections, and denying petitioner's request for oral Argument, and ordering that such Report as amended and approved be filed in the Supreme Court of Illinois, on May 4, 1970. (Appendix A, infra, pages 12-13).

The said Frank Greenberg and Dean A. Esling, refused petitioner's request to state the names of members of Committee on Grievances and Board of Managers, who participated and approved the making, issuance and circulation of the paper labeled "ORDER".

Frank Greenberg informed the petitioner that such "ORDER" was decided by a "quorum" and that the Commissioners "sat in judgment". He refused to furnish a copy of by-laws or rules to petitioner, defining what constitutes a "quorum". (Appendix A, infra, page 13).

(s). The said Lester Asher and Morris J. Wexler, each asserting the title of "Chairman", and Frank Greenberg, could not, were not and should not be authorized to violate the Constitutional guaranties of Due Process and Equal Protection of the Laws, and to violate Section 751(b) of Chapter 110A, Illinois Revised Statutes, set forth verbatim on page 5 of this Petition, holding mock proceedings without a signed and verified or signed complaint, without a complainant or any witness having appeared to testify, and without evidence; and the said Lester Asher, Morris J. Wexler, Dean Esling and Frank Greenberg, could not, did not and should not have jurisdiction and authority to sit in "judgment", making, issuing and circulating papers labeled "ORDER", personating judicial officials and simulating legal process. (Appendix A, infra, page 13).

(t) On June 10, 1970, the petitioner discovered that a copy of "Report of Committee on Grievances as Commissioners" was caused to be circulated and placed for public view in the public wash room of an office building at 134 North La Salle Street, Chicago, Illinois, where many lawyers maintain offices. The first page of such "Report" contained the following caption:

"No.

"IN THE

"SUPREME COURT OF ILLINOIS"

"IN THE MATTER OF "PETER S. SARELAS "AN ATTORNEY"	"Commissioners No.1369"

(Appendix A, infra, page 15.)

(u). The public interest in the purity and integrity of judicial process, was and is offended by activities of the ring leaders in the instant matter, bringing the judiciary and legal profession into disrepute. The following are examples:

(1) Frank Greenberg, during his presidency of the Chicago Bar Association, allowed, permitted and condoned the defamation, ridicule and insult of a Federal Judge, publicly and repeatedly during performances of a stage production sponsored by the Chicago Bar Association in December, 1969, knowing that the Judge was presiding in "Conspiracy 7" criminal trial then pending. Such bizarre debasement of a Federal Judge, who was assigned to perform

a duty in a trial involving the national security of the United States, also offended the sense of propriety and good taste of worthy people.

Specific references to the Chicago Tribune, Chicago Daily News, Chicago Sun-Times, and Chicago's Today, with dates and pages, reporting and editorializing on such grotesque public disgrace of a Federal Judge, are found in Appendix A, infra, page 14.

The Chicago Daily News of August 7, 1969, page 5, last 3 columns, in big bold type letter headlines announced:

"Greenberg Reform Plan

"Bar Chief asks end to 'hacks on Bench'."

The article quotes Frank Greenberg:

"Some judges have no better qualifications for the judicial system than the brownie points they got working for their political parties'." (App.A,infra,p.14).

No disbarment proceedings were instituted against the said Frank Greenberg.

(2) Walter H. Moses, has been condemned by eleven Judges for making and publicizing court bribe charges, at the time he was president of the Chicago Bar Association in 1963, bringing the courts into disrepute, and such condemnation was widely publicized in the Metropolitan newspapers of Chicago, Illinois, including the Chicago Daily News, and Chicago Tribune. Specific references to dates and pages are found in Appendix A, infra,page 2.

No disbarment proceedings were instituted against the said Walter H. Moses.

(3) Lester Asher: The Chicago Tribune of January 27, 1969, on page 1, column 6, continued on page 2, column 4, described the devious techniques of Lester Asher, involving the "rigging" of the results of voting by members of the Teamsters Union, Local 711. The Chicago Tribune reported that Lester Asher and his collaborator "left the hall quickly after the results were announced." A member of the Union denounced Lester Asher and his collaborator, stating:

"This may be local 711, but we rolled snake eyes when we got those two guys".

(Appendix A, infra, pages 13-14).

No disbarment proceedings were instituted against Lester Asher.

(4) Morris J. Wexler, another purported "Chairman", and confrere of Lester Asher: Chicago's American on October 10, 1966, on page 7, last two columns, described the techniques of Morris J. Wexler, in the freeing of two accused possessors of narcotics, by asserting that "barbiturate pills found in a bookcase were accessible from the public area." (Appendix A, infra, page 14).

No disbarment proceedings were instituted against the said Morris J. Wexler.

(5) Morris L. Simons, purporting to be empowered as a functionary of the Chicago Bar Association, on March 3rd, 1966, sought to frighten and intimidate the petitioner, and sought to induce him to violate attorney-client ethics and privilege, regarding matters handled by petitioner in 1962, for his then client, Sherman H.Skolnick.

On March 4, 1966, petitioner received a letter from said Morris L. Simons, stating:

"This is to confirm our telephone conversation on March 3, 1966 in which you declined to discuss your representation of Mr. Sherman H. Skolnick before Judge Joseph S. Perry without the consent of Mr. Skolnick."

(Vol. I of Record, page 66; Vol. III of Record, page 379; Addendum toRecord, page 6; Vol. I of Record, page 66; Vol. III of Record, page 379.)(Appendix A, infra,page 6).

The receipt on March 4, 1966, of the above quoted letter from Morris L. Simons, was followed by an unsigned, unverified, and fictitious complaint against petitioner, 24 days thereafter, on March 28, 1966. (Vol. I of Record, page 1, ¶).(App. A, infra, page 6).

No disbarment proceedings were instituted against the said Morris L. Simons.

(6) Lester Asher, Morris J.Wexler, David Jacker, Sydney Wolfe, the pretended commissioners, agents or servants of the respondents herein, and John W. Schelthoff, their attorney, caused, permitted and condoned the hiring of an

armed person wearing a policeman's uniform to invade petitioner's office on October 5, 1966, in the late afternoon, who took a position of aiming against petitioner, to frighten and menace him, and after making all the terrorizing and menacing gestures and motions, pulled out a paper labeled subpoena, commanding the petitioner to appear on October 6, 1966, at 6:30 P.M., before such assemblage of persons. (Addendum to Record, page 21; Vol. I of Record, pages 62-63; Vol. I, transcript of proceedings, pages 5-7, 10, 16-17,19-20). (Appendix A, infra, par. (g), pages7-8).

NN disbarment proceedings were instituted against the said Lester Asher, Morris J. Wexler, David Jacker, Sydney Wolfe and John W. Schelthoff.

(7) John W. Schelthoff, personating as the attorney for pretended, unseen and unheard of complainant:

On October 6, 1966, offered as "evidence" an altered, unsigned complaint against petitioner, which contained Schelthoff's changes, notations, interlineations, which he admitted to have been made by him in his office, and the said Schelthoff refused to furnish a copy to petitioner of such altered complaint, although repeatedly requested. (Vol. I of transcript of proceedings, pages 36-38; Vol. I of Record, page 52, par. 2; page 54, page 63,second paragraph; Addendum to Record, page 23, par. 2; Vol. III of Record, page 380, last paragraph; Vol. II, transcript of proceedings, page 128). (Appendix A, infra, pages 8-9).

On October 6, 1966, Scholtheff, without Notice, and without service of copy, filed instanter a purported Amendment to the unsigned and unverified complaint, which said Amendment was not signed by a person authorized and specified by Section 751(b) of Chapter 110A of the Illinois Revised Statutes, set forth verbatim on page 5 of this Petition. Petitioner's request to examine such Amendment before filing, was refused. (Vol. I, transcript of proceedings, pages 9-10, page 13, last paragraph; pages 13-14; page 24, last paragraph; Addendum to Record, page 23; Vol. I of Record, pages 51, 54, paragraph 1; page 62, 63, paragraph 2; Vol. III of Record, page 380, paragraphs 2nd, 3rd, 4th, 5th). (Appendix A, infra, page 9).

On November 10, 1966; Scholtheff, offered as "evidence" a photocopy of an order, knowing that such order had been vacated or amended 44 days previously, nunc pro tunc as of September 12, 1966, in the Federal Court Case No. 66 C 1351,, showing that the Complaint therein was dismissed "without prejudice". (Vol.I, transcript of proceedings, pages 101, 114-115, 117, 119-122; Vol. I of Record, page 64, par. 3, continued on page 65; Vol. III of Record, page 381, 3rd par.) (Appendix A, infra, page 9).

On April 24, 1969, Scholtheff, without Notice and without service of any papers on petitioner, and without a complaint, without a complainant or any witness to testify, and without evidence, offered copies of complaints in the private litigation of petitioner, past and pending, as "evidence", although on November 10, 1966, it was stated that complainant rests, and on February 1st, 1968, the presiding Lester Asher stated, "The case is, therefore, closed". (Vol. 1, of

transcript of proceedings, page 120, lines 1-2; Vol. II, of transcript of proceedings, page 155.) (Appendix A, infra, pages 10-11).

On May 8, 1969, which was two years, five months and 29 days after November 10, 1966, when it was stated that complainant rests, Scholtheff, offered as "evidence" copies of Complaints of petitioner's past and pending litigation, as individual, without a complaint, without a complainant or any witness appearing to testify, and without proof. Lester Asher, presiding, ordered: received as "evidence" as of April 24, 1969. (Vol. III, transcript of proceedings of May 8, 1969, page 54; transcript of proceedings of April 24, 1969, Vol. III, pages 184-185, 190, 199.) (Appendix A, infra, page 11).

No disbarment proceedings were instituted against the said John W. Scholtheff, for such atrocious and anarchistic defiance of the Constitutional guaranties of Due Process and Equal Protection of the Laws. The condemnation, approval and participation of the respondents' commissioners, makes them equally guilty.

REASONS FOR GRANTING THE WRIT.

I.

The questions presented raise basic issues as to whether Illinois, by an overly broad and vague law (Section 751(a), Chapter 110A, Illinois Revised Statutes, set forth verbatim on page 5 of this Petition), can purport to empower the respondents herein, to act as a super-court, or board of inquisition, over and above the duly constituted state and federal court system, to interfere with state and federal court private litigation, and thereby take away from Illinois citizens and residents the equal right to access to state and federal courts, and the equal right to sue, be parties, give evidence, and the right to the full and equal benefit of all laws and proceedings for the security of person and property.

Such state law is obviously repugnant and violates Due Process and Equal Protection of the Laws guaranteed by the Fourteenth Amendment to the Federal Constitution.

The Fourteenth Amendment guarantees equal access to courts to prevent and redress wrongs and to enforce rights. Enfield v. Bailleaux, 290 F.2d 632, 636 (Cir. 9, 1961); Stiltner v. Rhay, 322 F.2d 314, 316 (9 Cir. 1963); Spires v. Bettorf, 317 F.2d 273, 274 (7 Cir. 1963); In re Ah Fong. 1 Fed. Cas. 102, 3 Sawy. 144.

Equal right to remedy and justice is also guaranteed by the Illinois Constitution; Article II, Section 19.

"The basic principle is that a statute is bad if it 'either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application,' Connally v. General Construction Co., 269 U.S. 385, 391, 46 S.Ct. 126, 127, 70 L.Ed. 322,328 (1926)." State v. Smith, 46 N.J. 510, 518, 218 A 2d 147, 151 (1966).

The proceedings below,related under Statement of the Case (pp. 7-27), demonstrate that petitioner objected and challenged the jurisdiction and authority of respondents purporting to be empowered to violate the federal Constitutionally protected rights of petitioner, and to interfere with, inquire into, review and readjudicate petitioner's private litigation, past and pending in the state and federal courts, and to act as a super-court or board of inquisition.

Such activities of respondents are made criminal offenses under Title 18, United States Code; Sections 241, 242, 1503, the pertinent provisions of which are set forth on page 6 of this Petition.

The Constitution of Illinois vests judicial power solely in the duly constituted courts, and the courts have no power to delegate any of their duties to any person or persons, not of the judicial branch of government.

Illinois Constitution, Article VI, Section 1;
Kelly v. Fahmey, 145 Ill. App. 80, 99-100, affirmed 242 Ill. 240.

Frank Greenberg, chairman of respondents boastfully declared that the respondents as Commissioners, "sat in judgment". (Appendix A, infra, page 13).

The respondents, having proceeded unconstitutionally, are stripped of their asserted official character. Ex parte Young, 209 U.S.123, 52 L.Ed. 714.

A state law that purports to empower respondents, as its agents, to act as a super-court or board of inquisition, over and above the duly constituted state and federal court system, opens the way to infamous abuses of the rights of citizens. Such abuses are related with specific references to the Record, pages 7-27, of this Petition.

The respondents, purporting to be empowered under Section 751(a), Chapter 110A, Illinois Revised Statutes, set forth verbatim at page 5 herein, without a signed and verified or signed complaint, and without a complainant or any witness appearing to testify, and without proof, arrogated to themselves the power to interfere with and inquire into the private litigation of petitioner, past and pending, persecuting judicial officials, simulating legal process, and issuing papers labeled "SUBPOENA", and acting as a super-court or board of inquisition, pre-determined to commit evil and destroy the petitioner. (See: Statement of the Case, giving specific references to the Record, pages 7-27).

The filing in a state or federal court of legal papers by a party-litigant acting on his own behalf and his prosecution of legal actions affecting his own person, property, and reputation, or the statements made by a witness in court, cannot be the foundation of any accusation

or prosecution, action, or complaint, in any other court or place whatsoever. Of what avail and effect are final court judgments, if another body, purporting to be a super-court or board of inquisition, can interfere with, re-open private litigation and inquire into the motives of private litigants and make accusations against the private litigants, without a signed and verified or signed complaint, without a complainant or any witness appearing to testify, and without proof, as respondents are doing? Such behavior pattern of respondents demonstrates that they know that their accusations are fictitious and false.

Lawyers are not relegated to a watered-down version of constitutional rights. Garrity v. State of New Jersey, 385 U.S.493, 500 (1967).

A person "certainly does not forfeit his constitutional rights as freeman by becoming an attorney". Ex parte Steinman, 95 Pa. 220, 40 Am. Rep. 637.

> "Moreover, the requirements of procedural due process must be met before a State can exclude a person from practicing law. 'A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.' Schware v. Board of Bar Examiners, 353 U.S. 232, 238-239, 77 S.Ct.752, 756, 1 L.Ed.2d 796. As the Court said in Ex parte Garland, 4 Wall. 333, 379, 18 L.Ed.366, the right is not 'a matter of grace and favor.'" Willner v. Committee on Character and Fitness, 83 S.Ct. 1175, 1179-1180 (1963).

And the Supreme Court further said at page 1180, second column, first paragraph:

"We have emphasized in recent years that procedural due process often requires confrontation and cross-examination of those whose word deprives a person of his livelihood. (Citing authorities.)"

And at page 1181, second column, the Supreme Court said:

"see '(t)he requirements of fairness are not exhausted in the taking or consideration of evidence, but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps'". (Citing authorities).

In the instant matter there was no signed and verified or signed complaint; no complainant and no witness appeared to testify, and no proof was made. Respondents' purported "Findings" with non-existent evidence, are also fictitious and false.

CONCLUSION.

For the reasons above stated, it is respectfully submitted that the Petition for a Writ of Certiorari be granted.

Respectfully submitted,

Peter S. Sarelas,
Petitioner, Pro Se.

APPENDIX "A"

NO. 43138

IN THE SUPREME COURT OF ILLINOIS

STATE OF ILLINOIS }
COUNTY OF COOK } SS.

PEOPLE OF THE STATE OF ILLINOIS,
Ex Rel. PETER S. SARELAS,
Petitioner,
vs.
BOARD OF MANAGERS AND COMMITTEE ON GRIEVANCES
OF THE CHICAGO BAR ASSOCIATION, AS COMMISSIONERS
OF THE SUPREME COURT OF ILLINOIS,
Respondents.

In the Matter of:
Peter S. Sarelas,
An Attorney. } Commissioners No. 1369

PETITION FOR WRIT OF PROHIBITION.

To the Honorable Justices of the Supreme Court of Illinois:

Petitioner The People of the State of Illinois, on the relation of Peter S. Sarelas, respectfully represents unto the Court as follows:

1. That the relator at all times hereinafter mentioned and for a long time prior thereto, was and is a resident of the City of Chicago, County of Cook and State of Illinois, and is duly licensed by the Supreme Court of Illinois, as Attorney and Counselor; and by the Supreme Court of the United States as Attorney and Counselor; and by the United States Court of Appeals for the Seventh Circuit, as Attorney and Counselor; and by the United States District Court for the Northern District of Illinois, as Attorney, Counselor and Proctor.

2. That the relator is the same person in the matter now pending before this Court, docketed as No. 43138, and entitled "In the Matter of: Peter S. Sarelas, An Attorney", filed by the above named respondents.

3. That the above named respondents filed in this Court papers labeled "Report", with the recommendation that relator be disbarred, without a signed and verified Complaint or a signed Complaint (Vol. I of Report, p. 7), as required and specified by Rule 751(b) of the Illinois Supreme Court; without any complainant or any witness having appeared to testify (Vol. I, transcript of proceedings, p. 41); and without proof.

4. That after many demands for a photocopy of the original complaint, showing the signature in the proper handwriting of a complainant, as required by Rule 751(b) of the Illinois Supreme Court of Illinois, and by Chapter 131, Section 1.15 of the Illinois Revised Statutes, 1965-1969, the relator was furnished with a photocopy showing a signature, not in the proper handwriting of a complainant.

Such photocopy showed a simulated signature as follows:

"Walter H. Moses /s/", and of "Paul B. Youle /s/". (Addendum to Record, page 14).

Both, Walter H. Moses and Paul B. Youle, were unknown to relator, with whom he never had any dealings.

The said Walter H. Moses, has been condemned by eleven (11) Judges for making court bribe charges publicly, at the time he was president of the Chicago Bar Association in 1963, bringing the courts into disrepute, and said condemnation was widely publicized in the Metropolitan newspapers of Chicago: Chicago Daily News, May 9, 1963; Chicago Tribune, May 9, 1963, Section 1, page 10. (Exceptions and Objections filed May 14, 1970, pages 6-7, set forth quotations; also in Objections to "Report" filed below and in this Court, pages 12-13).

5. That the said unsigned and unverified Complaint (Vol. I of Report, pp. 1-7) consists of conclusions only, with false characterizations, distortions and innuendoes of complaints filed in the State and Federal Courts in the private litigation of relator, as an individual, past and pending.

6. That said unsigned, unverified and unproven Complaint charged that relator brought the "legal profession into disrepute" and impaired "public confidence in the integrity of the judicial system".

(Vol. I of Report, page 2, second paragraph).

7. That such unsigned, unverified and unproven Complaint , published and circulated since March 28, 1966 (Vol. I of Report, p. 1), linked the relator with the private litigation of Sherman H. Skolnick, knowingly falsely alleging that relator "acted as attorney for Sherman H. Skolnick", (Vol. I of Report, p. 6, par. (8).)

That such allegation incorporated as "Finding" No. 10, in Volume IV, of Report, page 391, was not approved in the "Order" of Committee on Grievances and Board of Managers, respondents herein, dated April 3,1970, and is completely refuted in the Affidavit of Sherman H. Skolnick, attached hereto as Exhibit "1", page 3-A, stating highly specific facts, and is also attached as Exhibit "2" to relator's Objections filed below and in this Court, page 10-A.

That the undisputed facts in the Affidavit of Sherman H. Skolnick, show that he alone researched, prepared, typed and filed his suit; that he alone appeared as plaintiff, pro se, and that he has and had an extensive private law library, of some 6,000 volumes, at his residence. And it further shows that he alone, as plaintiff-appellant, pro se, researched, prepared, typed, mimeographed, and filed plaintiff-appellant's Brief, Appendix, Reply Brief, and other papers in said case entitled Sherman H. Skolnick v. Albert E. Mallett and Harry G. Fins, defendants-appellees, No. 14779, in the United States Court of Appeals, 7th Circuit; that he alone, presented oral argument in said appeal; and that he alone, petitioned the Supreme Court of the United States for certiorari in said case.

8. That the respondents above named, purporting to be empowered by Rule 751 of the Illinois Supreme Court, have acted and continue to act, in respect to the relator, as a super-court or board of inquisition, with purported power to inquire into, review and re-adjudicate the private litigation of relator as an individual, past and pending; and to intermeddle, interfere with, obstruct and deprive the relator of the equal right to sue, to be a party litigant, to give evidence, and to deprive relator of the full and equal benefit of all laws and proceedings; and said respondents, purporting to be empowered

STATE OF ILLINOIS)
COUNTY OF COOK) SS. AFFIDAVIT.

Sherman H. Skolnick, being first duly sworn on oath, deposes and says that if called as a witness in any proceedings, he could testify from personal knowledge as to the following:

1. That he was the plaintiff, pro se, in the case of Sherman H. Skolnick, plaintiff, vs. Albert E. Hallett and Harry G. Fins, No. 64 C 1084, in the United States District Court for the Northern District of Illinois, Eastern Division.

2. That he, and he alone, researched, prepared, typed, and filed the said suit. That he, and he alone, appeared as plaintiff, pro se, in the United States District Court in certain proceedings in said case. Affiant has and had an extensive private law library, of some 6,000 volumes, at his residence.

3. On appeal in said case, he,and he alone, as plaintiff-appellant, pro se, researched prepared, typed, mimeographed, and filed plaintiff-appellant's Brief, Appendix, Reply Brief, and other papers, in said case entitled Sherman H. Skolnick, plaintiff-appellant, vs. Albert E. Hallett and Harry G. Fins, defendants-appellees, No. 14779, in the United States Court of Appeals, 7th Circuit.

4. Affiant, and affiant alone, presented the plaintiff-appellant's oral argument in said appeal No. 14779.

5. That he , and he alone, as petitioner, pro se, petitioned the Supreme Court of the United States for certiorari in said case.

Sherman H. Skolnick

Sherman H. Skolnick,
9800 South Oglesby Avenue
Chicago, Illinois 60617

Subscribed and sworn to before me
this 6th day of February, C.E. 1970.

SC Bidwell

notary public.

Exhibit "1"

as aforementioned, caused, procured and acquiesced in the harassment, intimidation, oppression and torment of relator by convening multiple sessions, without jurisdiction and without authority, uttering, publishing, and circulating repetitiously, false and malicious libel, slander and defamation against relator, all without a signed and verified complaint, or a signed complaint, as required and specified by Rule 751(b) of the Illinois Supreme Court; without a complainant or any witness appearing to testify; and without proof of the allegations in such unsigned complaint, consisting of conclusions only (Vol. I, p. 7; pp. 2-7 of "Report"); all in violation of the Constitutional guaranties of Due Process and of Equal Protection of the Laws, and of Rule 751(b) of the Illinois Supreme Court, as shown from the following:

(a) On November 4, 1965, the relator received a letter dated November 2, 1965, on the letterhead of the Committee on Inquiry, signed by the Secretary, the pertinent parts of said letter are as follows:

> "I am directed by the Committee on Inquiry of the Chicago Bar Association to advise you that it has instituted an inquiry concerning you with regard to certain litigation involving certain Judges."
>
> "The Committee directs that you be present, and bring with you your files and records in this matter." (Addendum to Record, p. 1).

On November 4, 1965, relator herein, addressed a letter to the Committee on Inquiry, The Chicago Bar Association, to the attention of its Secretary, the pertinent parts of said letter being as follows:

> "I request that you furnish me by November 9th, 1965, the following:
>
> "1. Copy of Complaint, if any, with full specifications as to the matter of inquiry.
>
> "2. The name of the complainant, if any.
>
> "3. The nature and reason, source and purpose of the inquiry.
>
> "4. What 'certain judges', and what 'certain litigation', referred to in the first paragraph of your letter.
>
> "5. Copy of the Rules of the Committee.
>
> "6. List of members of the Committee.
>
> "7. List of members of sub-committee, if any.
>
> "8. What 'files and records in this matter' are referred to

'paragraph third of your letter stating, 'and bring with you your files and records in this matter.'

"Please acknowledge receipt of this letter".
(Addendum to Record, page 2).

Receiving no response, relator addressed a second letter to the attention of the Secretary of said Committee on Inquiry, demanding once again to be informed as he had requested in his letter of November 4, 1965. (Addendum to Record, page 3).

Relator received no response to his two letter, but instead on November 19, 1965, he received a letter from the Secretary of Committee on Inquiry, dated November 18, 1965, repeating substantially the same as his letter of November 2, 1965 (Addendum to Record, p. 1), and ordering again that relator bring his files and records without specific reference as to what files and records. (Addendum to Record, p. 4).

On November 23, 1965, relator addressed a third letter to the Committee on Inquiry, attention of its Secretary, repeating his demand to be informed, and to said letter there was no response. (Addendum to Record, page 5).

(b) On March 3rd, 1966, one Morris L. Simons, purporting to be empowered as aforementioned, by and through the medium of the telephone, sought to frighten and intimidate the relator herein, and sought to induce him to violate attorney-client ethics and privilege, regarding matters handled by relator in 1962, for his then client, Sherman H. Skolnick. (Vol. I of Report, page 66; Vol. III of Report, page 379).

(c) On March 4, 1966, a letter was delivered to relator through the United States Mail, dated March 3rd, 1966, signed by the said Morris L. Simons, for the obvious purpose to frighten and intimidate the relator, in which said letter, Morris L. Simons, states:

"This is to confirm our telephone conversation on March 3, 1966 in which you declined to discuss your representation of Mr. Sherman H. Skolnick before Judge Joseph S. Perry without the consent of Mr. Skolnick."
(Addendum to Record, page 6; Vol. I of Report, page 66; Vol. III of Report, page 379).

(d) On March 28, 1966, the above described unsigned and unverified complaint was filed. (Vol. I, of Report, p. 1, 7).

(e) On April 7, 1966, Charles E. Herzog, simulated legal process and personated a judicial official by making, issuing and signing a paper labeled "Order" and ordering service of an unsigned and unverified complaint on relator and ordering "hearing" before the Grievance Committee. (Addendum to Record, page 16).

The said Charles E. Herzog, was the law partner and associate of Charles T. Martin, who was sued by Sherman H. Skolnick in 1962, for damages for torturing, terrorizing and intimidating Skolnick, a paraplegic invalid and cripple, for four hours and twenty minutes continuously in their office, under the sham and pretense of taking his deposition. (Vol. I of Report, pp. 17-18, par. 15(b); Vol. II of Report, page 156, par. 15(b), and page 157, first paragraph).
See: Skolnick v. Martin, 47 Ill. App. 2d 167, 197 N.E.2d 739, at 740, second column.

(f) On April 7, 1966, the respondents, purporting to be empowered as aforementioned, caused an unsigned and unverified complaint to be published and circulated against relator, simulating process and simulating judicial proceedings, said complaint containing false, distorted and defamatory descriptions of the private litigation of relator, as individual, linking him with the litigation of Sherman H. Skolnick, in which relator was a total stranger. (Vol. I of Report, pp. 1-7, p. 7).

(g) On October 5, 1966, in the late afternoon, the respondents, purporting to be empowered as aforementioned, caused an armed person wearing a policeman's uniform to invade relator's office, who took a position of aiming against relator to frighten and menace him, and after making all the terrorizing and menacing gestures and motions, pulled out a paper labeled subpoena, commanding the relator to appear on October 6, 1966, at 6:30 P.M., before an assemblage of persons consisting of Lester Asher, Morris J. Wexler, David Jacker, and Sydney Wolfe, deceased since April 6, 1969, (Addendum, page 21, Vol. I of Report, pp. 62-63; Vol. I, transcript of proceedings, pages 5, 6, 7, 10, 16-17, 19, 20), purporting to function as Commissioners, without jurisdiction, without authority, and in

violation of Rule 751(b) of the Illinois Supreme Court.

Chapter 38, Section 32-5, makes it a criminal offense to personate falsely a judicial or governmental official, and Chapter 38, Section 32-7 of the Illinois Revised Statutes, 1965-1969, makes it a criminal offense to simulate falsely legal process.

(h) On October 6th, 1966, the assemblage of persons above named, presided by Lester Asher, received the unsigned, unverified complaint against relator, consisting of unfounded and unproven conclusions only, in violation of Rule 751(b) of the Illinois Supreme Court; without a complainant or any witness appearing to testify; and without proof. (Vol. I of Report, page 7; pages 2-7).

John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, stated that he has no witnesses. (Vol. I of Report, page 41 of transcript of proceedings).

The relator objected and challenged the jurisdiction and authority of said assemblage of persons to function and proceed, falsely personating judicial officials, and falsely simulating legal process, in violation of Chapter 38, Sections 32-5 and 32-7 of the Illinois Revised Statutes, 1965-1969; and in violation of the Constitution of Illinois, Article VI, Section 1, which vests judicial power solely in the duly constituted courts, with no power to delegate any of their duties to any person or persons; and in violation of Rule 751(b) of the Illinois Supreme Court.

(i) On October 6, 1966, the relator objected and challenged the asserted jurisdiction and authority of said assemblage of persons, presided by Lester Asher, to receive as "evidence" an altered unsigned complaint against relator, which contained changes, notations, interlineations, admitted to have been made by John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, and such attorney refused to furnish to relator a copy of such altered complaint, although repeatedly requested. (Vol. I, transcript of proceedings, pp. 36, 37, 38; Vol. I of Report, page 52, par. 2; page 54, page 63, second paragraph; Addendum to Record, page 23, par. 2; Vol. III of Report,

page 380, last paragraph; Vol. II, transcript of proceedings, page 128).

(j) On October 6, 1966, the first session convened by the assemblage of persons, presided by Lester Asher, purporting to be empowered as aforementioned, the relator objected and challenged the pretended jurisdiction and authority of such persons to receive and file instanter, without Notice and without service of copy, a purported "Amendment" to the unsigned and unverified Complaint, which said Amendment was not signed by a person authorized to sign by Rule 751(b) of the Illinois Supreme Court; and to the denial of relator's request to examine such Amendment before filing; and to ordering the relator to answer within seven (7) days, although the Committee Rules allow a minimum of 15 days, with timely Notice and service of copy before filing. (Vol. I, transcript of proceedings, pp. 9, 10, 13, last paragraph; pp. 14, 15, 24, last paragraph; Addendum to Record, page 23; Vol. I of Report, pp. 51, 54, par. 1; pages 62, 63, par. 2; Vol. III of Report, page 380, paragraphs 2nd, 3rd, 4th and 5th.).

(k) On November 10, 1966, the second session convened by the assemblage of persons above named, purporting to be empowered as aforementioned, the relator objected and challenged the asserted jurisdiction and authority of such persons to receive as "evidence" a photocopy of an order which was vacated or amended 44 days previously, nunc pro tunc as of September 12, 1966, showing that a Complaint in the Federal Court Case No. 66 C 1351 (Vol. II of Report, p. 153), was dismissed "without prejudice". A photocopy of the amended order is attached to relator's Objections made part of the record in this Court, marked Exhibits "1", "1-A", pages 6-A, 6-B. (Vol. I, transcript of proceedings, pp. 101, 114, 115, 117, 119, 120, 121, 122; Vol. I of Report, page 64, par. 3, continued on page 65; Vol. III of Report, page 381, 3rd paragraph).

(l) On February 1st, 1968, an ex parte illegal session was convened by the assemblage of persons above named, purporting to be empowered as aforementioned, after receiving relator's letter and Notice, via Certified Mail, with Return Receipt showing delivery on January 29, 1968,

that relator's case in the Federal Court, No. 66 C 1773 (Vol. I of Report, pp. 29-35; Vol. II of Report, p. 223), wherein Lester Asher, presiding in the proceedings against relator, was a defendant, was still pending, and to desist from convening sessions during the pendency of said case in the Federal Courts. (Vol. II of Report, p. 223, showing that the Notice was filed on January 29, 1968; Vol. II, transcript of proceedings, pp. 133-134, 136, 147-148, 150).

Lester Asher, presiding, stated to Schelthoff, attorney for a pretended, unseen and unheard of complainant: "I think once again rested your case". Schelthoff replied: "Yes, sir." (Vol. II, transcript of proceedings, page 155).

Lester Asher further stated that Commissioner Cotsirilos disqualified, and Commissioner Hickey will not participate in any of the decisions and consideration of the case. (Vol. II, transcript of proceedings, pages 157, 158).

Thereupon, Lester Asher announced: "The case is, therefore, closed." (Vol. II, transcript of proceedings, page 159).

And on page 1, Volume I of Report, it is stated: "February 1, 1968, Proofs Closed".

(m) On April 24, 1969, a fourth illegal session was convened, with only Lester Asher and Morris J. Wexler, present, each declaring that he was "chairman", purporting to be empowered as aforesaid.

Although on November 10, 1966, it was stated that complainant rests (Vol. I of transcript of proceedings, p. 120, first 2 lines), and although on February 1st, 1968, the third illegal session convened ex parte, hereinabove described in paragraph (1), pages 8-9, the presiding Lester Asher announced, "The case is, therefore, closed", (Vol. II of transcript of proceedings, p. 155), which is confirmed on page 1 of Volume I of Report with the statement "February 1, 1968, Proofs Closed", the aforesaid Lester Asher and Morris J. Wexler, allowed John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, to offer copies of complaints in the private litigation of relator, past and pending, as individual, in "evidence", without previous Notice, without service of any papers, without a complaint,

without a complainant or any witness to testify,and without proof.

The relator objected and challenged the jurisdiction and authority of the said Lester Asher and Morris J. Wexler, to proceed and act in violation of the Constitutional guaranties of Due Process and of the Equal Protection of the Laws.

They ordered a session for May 8, 1969, the fifth one. In Volume I, of Report, page 1, it is stated that the "Hearings Held" were only on October 6, 1966, November 10, 1966 and February 1, 1968.

(n) On May 8, 1969, which was two years, five months and 29 days after November 10, 1966, when the said Schelthoff declared that complainant rests, the relator objected and challenged the asserted jurisdiction and authority of the assemblage of persons, presided by Lester Asher, to receive as "evidence" Complaints of relator's past and pending litigation, as individual, without a signed and verified complaint or a signed complaint, as required by Rule 751(b) of the Illinois Supreme Court, without a complainant or any witness having appeared to testify, and without proof. Lester Asher, presiding,ordered: received as "evidence" as of April 24, 1969.(Vol.III, May 8, 1969, transcript, p.54; April 24, 1969 transcript, pp.184,185, 198, 199).

Commissioner Warren J. Hickey, was not present in any of the previous sessions (Vol. III, transcript of proceedings, page 20); and Commissioner Kevin J. Gillogly, was only present once before, on November 10, 1966 (Vol. III, transcript of proceedings, page 14).

(o) Relator made repeated demands for respondents to furnish him the names of witnesses, if any, and a list of documents proposed to be offered in evidence. All demands were denied. (Addendum to Record, page 23; Vol. I of Report, page 53; Vol. I, transcript of October 6, 1966, page 21, last paragraph; page 23, 7th and 8th paragraphs; Vol. I, transcript of November 10, 1966, page 65, 3rd paragraph; page 66, first paragraph).

(p) Volume IV of Report, signed by Lester Asher alone, is labeled "Findings of the Committee on Grievances", knowing that there is no signed and verified complaint or a signed complaint against relator, by a person or persons required and specified under Rule 751(b) of the

Illinois Supreme Court; and knowing no complainant or any witness appeared to testify during any of the sessions in this matter; and no proof was made of the allegations contained in such unsigned and unverified complaint, consisting of conclusions only and innuendoes (Vol. 1 of Report pp. 2-7); and knowing that such "Findings" are fictitious, and were made, published and circulated with the caption "In The Supreme Court of Illinois" since on to wit: November 14, 1969, five (5) months and 20 days before filing on May 4, 1970, in the Supreme Court.

Such "Findings" are prefaced by a statement consisting of unfounded and unproven conclusions only, demonstrating the willful and malicious defamation mongering of the signer of such "Findings".

That such "Findings" do not refer to the page or pages where the contents of the descriptions in said Volume IV of "Report" may be found. They reveal the devious technique of lumping into one paragraph words plucked out of context from more than one page, thereby distorting, falsifying and omitting the highly specific fact allegations in relator's Complaints attached to Volumes I, II and III of "Report".

(q) On April 13, 1970, a paper labeled "ORDER", signed by one Dean A. Esling alone, was delivered by mail to relator, postmarked April 10, 1970 and dated April 3, 1970, approving "The Report and Findings" of Lester Asher, above described, "with the exception of Finding No. 10 (Volume IV, page 391)" which had falsely charged that relator had filed a certain action on behalf of Sherman H. Skolnick, which said action was prepared and filed by Skolnick alone, more fully related on page 3, paragraph 7 of this Petition, and Skolnick's Affidavit attached as Exhibit "1", page 3-A.

Said "ORDER" allowed only seven (7) days with only four(4) working days to file Objections before the Board of Managers.

(r) On April 28, 1970, a paper labeled "ORDER" signed by Frank Greenberg alone, was delivered by mail to relator, dated April 23, 1970, denying relator's timely Motion, filed April 16, 1970, for extension of time to file Objections, and denying relator's request for Oral

Argument, and ordering that said Report as amended and approved be filed with the Supreme Court of Illinois on May 4th, 1970.

Both Dean A. Esling and Frank Greenberg refused relator's request to state the names of members of Committee on Grievances and Board of Managers, who participated and approved the making, issuance and circulation of the paper labeled "ORDER".

Frank Greenberg informed the relator that such "ORDER" was decided by a "quorum" and that the Commissioners "sat in judgment".

Under law, the persons purporting to act as Commissioners are merely agents of the Supreme Court for the purpose of gathering and reporting evidence, which is non-existent in this matter, and are not authorized to sit "in judgment".

Frank Greenberg, refused to furnish a copy of by-laws or rules to relator, defining what constitutes a "quorum".

(s) The said Lester Asher and Morris J. Wexler, each asserting the title of "Chairman", and Frank Greenberg, could not, were not and should not be authorized to violate the Constitutional guaranties of Due Process and Equal Protection of the Laws, and to violate Rule 751(b) of the Illinois Supreme Court, without a signed and verified complaint, or a signed complaint, without a complainant or any witness having appeared to testify and without proof; and the said Lester Asher, Morris J. Wexler, Dean A. Esling and Frank Greenberg, could not, did not and should not have jurisdiction and authority to sit in "judgment", making, issuing and circulating papers labeled "ORDER", personating judicial officials.

(t) The activities of Lester Asher and Morris J. Wexler, bringing the legal profession into disrepute are described in relator's Objections, which is part of the record in this Court, on page 51, last two paragraphs, continued on page 52, and the activities of Frank Greenberg bringing the courts and judiciary, including a Federal Judge, into disrepute, are described on page 15 of said Objections, incorporated here by reference.

The Chicago Tribune on January 27, 1969, Final four star edition, on page 1, column 6, continued on page 2, column 4, described the

devious techniques of Lester Asher and a collaborator involving the the "rigging" of the results of voting by members of the Teamsters Union local 711. The Chicago Tribune reported that Lester Asher and his collaborator "left the hall quickly after the results were announced." A member of the Union denounced Lester Asher and his collaborator stating "This may be local 711, but we rolled snake eyes when we got those two guys".

Chicago's American on October 10, 1966, page 7, last two columns, described the techniques and ethics of Morris J. Wexler, another purported "Chairman" and confrere of Lester Asher, in the freeing of two accused possessors of narcotics, by asserting that "barbiturate pills found in a bookcase were accessible from the public area."

Frank Greenberg, during his presidency, allowed, permitted and condoned the defamation, insult and ridicule of a Federal Judge publicly and repeatedly during each performance of a stage production sponsored by the Chicago Bar Association in December 1969, knowing that the Judge was presiding in the "Conspiracy 7" criminal trial then pending. Such bizarre debasement of a Federal Judge also offended the sense of propriety and good taste of worthy people.

Reference is made to Chicago Tribune, December 19, 1969, editorial; December 24, 1969, Letter, Section 1, page 8; December 27, 1969, Letter, Section 1, page 12; December 30, 1969, Section 1, page 3, last 3 columns; January 8, 1970, Section 1, page 3; January 9, 1970, page 1, columns 3-5; Chicago Daily News, December 30, 1969, page 4, last two columns; January 8, 1970, page 8, last two columns; January 9, 1970, page 17, last two columns; and on page 3, 3rd column; Chicago Sun-Times, December 20, 1969, page 24; December 30, 1969, page 22; January 9, 1970, page 5; Chicago's Today, December 18, 1969, editorial, page 20; December 20, 1969, page 6, columns 4-5.

The Chicago Daily News of August 7, 1969, page 5, last 3 columns, in Big bold type letter headlines announced:

"Greenberg Reform Plan "Bar Chief asks end to 'hacks on Bench'."

The article quotes Frank Greenberg:"Some Judges "have no better qualifications for the judicial system than the brownie points they got working for their political parties."

No disbarment proceedings have been instituted against such persons,

bringing the legal profession, courts and judiciary into disrepute.

(u) Relator is informed and believes and therefore states that the Objections filed by relator before the Committee on Grievances were not read by the Commissioners and that they relied on and followed the "Report and Findings" of the above described Lester Asher, without examining relator's Objections supported with Exhibits and documented.

(v) On June 10, 1970, the relator discovered that a copy of "Report of Committee on Grievances as Commissioners" was caused to be circulated and placed for public view in the public wash room of an office building at 134 North La Salle Street, Chicago, Illinois, where many lawyers maintain offices. The first page of such "Report" contained the caption:

"No.

"IN THE

"SUPREME COURT OF ILLINOIS"

"IN THE MATTER OF	)	
"PETER S. SARELAS	)	"Commissioners No. 1369"
"AN ATTORNEY"	)	

9. That the proceedings pursued and persisted upon by the respondents against relator, since November 2, 1965, as hereinabove related and documented, without a signed and verified or a signed complaint, as required by Rule 751(b) of the Illinois Supreme Court (Vol. I of Report, pp. 2-7); and without a complainant or any witness having appeared to testify; and without proof, subvert and negate our Constitutional system of government, and violate the Constitutional guaranties of Due Process and Equal Protection of the Laws, and have caused, continue to cause, and will in the future cause great and irreparable injury and harm against the person and property of relator.

10. That such Complaint, stripped of the conclusions and innuendoes contained therein, does not charge violation of any law or code of legal ethics.

11. That respondents could not, had not and do not have jurisdiction to conduct and pursue such proceedings against relator, their chosen victim, upon a complaint which violates the requirements specified in

Rule 751(3) of the Illinois Supreme Court, and does not charge violation of any law or Code of legal ethics, and therefore, the said respondents could not, do not and should not have jurisdiction and authority to pursue such illegal, mock and anarchistic proceedings in this Honorable Court.

12. That the relator has no adequate remedy in the premises other than by means of a Writ of Prohibition to be issued by this Court to prevent and restrain said respondents, the "Board of Managers and Committee on Grievances of The Chicago Bar Association, as Commissioners of the Supreme Court of Illinois", from continuing and pursuing the exercise of non-existent jurisdiction and authority in this matter.

WHEREFORE, the relator, Peter S. Sarelas, prays that this Court issue its Writ of Prohibition commanding the respondents "Board of Managers and Committee on Grievances of The Chicago Bar Association, as Commissioners of the Supreme Court of Illinois", to desist and refrain from any further proceedings in this matter hereinbefore mentioned, and for such other and further, or different, relief herein as the Court shall deem just.

Peter S. Sarelas, Relator.
30 North La Salle Street,
Chicago, Illinois 60602
CEntral 6-1442.

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Peter S. Sarelas, being first duly sworn, on oath deposes and says: that he is the relator named in the foregoing Petition; that he has read said Petition and knows the contents thereof; and that the matters set out therein are true of his own knowledge, except as to those matters therein set forth upon information and belief, and as to those matters he believes them to be true.

Peter S. Sarelas.

Subscribed and sworn to before me,
this 23rd day of July, A.D. 1970.

Notary Public.

APPENDIX "B"

SUGGESTIONS IN SUPPORT OF MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION.

The Petition for Writ of Prohibition, is authorized by Article VI, Section 5, of the Constitution of Illinois, and proceeds in conformity with Rule 381 of the Supreme Court of Illinois, and is supported by direct references to the Record filed in this Court, docketed as Case No. 43138 in this matter.

The Petition discloses that since November 2nd, 1[illegible], the respondents herein, purporting to be empowered by Rule [illegible] of the Illinois Supreme Court, have acted and continue to act as a super-court or board of inquisition, sitting "in judgment" without jurisdiction and authority; without a signed and verified or a signed complaint, as required and specified by Rule 751(b) of the Supreme Court of Illinois, (Vol. I of Report, R. 7, pp. 2-7); and without a complainant or any witness having appeared to testify; and without proof; arrogating to themselves the role of a super-court to review, re-adjudicate, inquire into, intermeddle, interfere with, obstruct and deprive the relator of the equal right to sue, to be party litigant, to give evidence, and to deprive relator of the full and equal benefit of all laws and proceedings.

The said respondents, purporting to be empowered as aforementioned, caused, procured and acquiesced in the harassment, intimidation, oppression and torment of relator by convening multiple sessions, uttering, publishing and circulating repetitiously, false and malicious libel, slander and defamation against relator, all without a signed and verified or a signed complaint, as required and specified by said Rule 751(b); without a complainant or any witness having appeared to testify, and without proof of the allegations in such unsigned complaint, consisting of conclusions only (Vol I of Report, p. 7, pp 2-7); all in violation of the Constitutional guaranties of Due Process and of Equal Protection of the Laws, and of Rule 751(b) of the Illinois Supreme Court, as specified on pages 4-12 of the Prtition, paragraphs

(a) through (s); page 14, paragraphs (u) and (v), incorporated here by reference.

Respondents could not, had not, and do not have jurisdiction and authority to conduct and pursue such proceedings sitting "in judgment" with purported power to review, re-adjudicate, inquire into, interfere with, intermeddle and obstruct the private litigation of relator as an individual, past and pending, and therefore, such respondents could not, do not and should not have jurisdiction and authority to pursue such illegal, mock and anarchistic proceedings before this Honorable Court.

The Fourteenth Amendment to the Federal Constitution guarantees equal access to courts to prevent and redress wrongs and to enforce rights. Hatfield v. Bailleaux, 290 F.2d 632,636 (Cir., 9, 1961); Stiltner v. Rhay, 322 F.2d 314, 316 (9 Cir., 1963); Spires v. Bottorf, 317 F.2d 273, 274 (7 Cir., 1963); In re Ah Fong, 1 Fed. Cas. 102, 3 Sawy. 144.

Equal right to remedy and justice is guaranteed by the Constitution of Illinois, Article II, Section 19.

Lawyers are not relegated to a watered-down version of constitutional rights. Garrity v. State of New Jersey, 385 U.S. 493, 500 (1967).

A person "certainly does not forfeit his constitutional rights as freeman by becoming an attorney". Ex parte Steinman, 95 Pa. 220, 40 Am. Rep. 637.

The Supreme Court of the United States, in Willner v. Committee on Character and Fitness, 83 S. Ct. 1175 (1963) at page 1181, second column, stated:

> "see '(t)he requirements of fairness are not exhausted in the taking or consideration of evidence, but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps'". (Citing authorities).

And at page 1179, last paragraph, continued on page 1180, the Court said:

> "Moreover, the requirements of procedural due process must be met before a State can exclude a person from practicing law. 'A State cannot exclude a person from the practice of law or

from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.' Schware v. Board of Bar Examiners, 353 U.S. 232, 238-239, 77 S. Ct. 752, 756, 1 L. Ed.2d 796. As the Court said in Ex parte Garland, 4 Wall. 333, 379. 18 L. Ed. 366, the right is not 'a matter of grace and favor.'"

And the Supreme Court further said at page 1150, second column, first paragraph:

"We have emphasized in recent years that procedural due process often requires confrontation and cross-examination of those whose word deprives a person of his livelihood. (Citing authorities.)"

Section 241 of Title 18, United States Code, makes it a criminal offense for any two or more persons to conspire "to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;".

Title 18, Section 242, United States Code, makes it a criminal offense for "whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ***". (Emphasis added).

Title 18, Section 1503, United States Code, makes it a criminal offense for "whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States. *** or injures any party or witness in his person or property on account of his having attended such court, *** or on account of his testifying or having testified to any matter pending therein, *** or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, ***, (stating penalty)."(Emphasis added).

"It is also well settled that state power cannot be used as an instrument to deprive ANY PERSON of a right protected by the Federal Constitution. (Citing authorities)." Deerfield Park District v. Progress Development Corp., 22 Ill.2d 137-138. (Emphasis added).

The Constitution of Illinois vests judicial power solely in the duly constituted courts, and the courts have no power to delegate any of their duties to any person or persons. (Article VI, Section 1.)

Therefore, if Rule 751 of the Supreme Court of Illinois, delegates judicial power to the said respondents, "who sat in judgment" to review, re-adjudicate, inquire into, intermeddle, interfere with, and obstruct the private litigation of relator as an individual, past and pending, and to deprive him of the equal right to sue, to be heard, litigant, to give evidence, and to deprive relater of the equal and [illegible] benefit of all laws and proceedings, and to contrive to harass, obstruct, intimidate and torment the relator, by convening multiple sessions [illegible] November 2, 1 [illegible], illegally, without jurisdiction and authority, to utter, publish and circulate repeatedly, false and malicious libel, slander and defamation, all without a signed and verified complaint, as required and specified by Rule 751(3) of the Illinois Supreme Court; without a complainant or any witness appearing to testify; and without proof; (Vol. I of Report, p. 7; [illegible]; Vol. I of Report, transcript of proceedings, page 41; Petition attached hereto, Rule 7, paragraph (h)), that the said Rule 751 violates the Constitutional guaranties of due process and of equal protection of the laws; and is. Rule 751 is therefore unconstitutional.

> "Adjudication, exertion of judicial power, is an exercise of the sovereign power of the state -- the governmental power. *** It has been long since been held in this state that power of decision of adjudicatory effectiveness or conclusiveness comes only through the constitution of the people, and cannot otherwise be obtained, even by the consent of the parties immediately concerned. The exercise of such power by a master or any one not of the judicial branch of government is not permitted, and a law granting such power to any person or body other than is designated in the constitution is unconstitutional. (Citing authorities)".
> Kelly v. Fahrney, 145 Ill. App. 30, 99-100. affirmed 242 Ill. 240. 255. (Emphasis added).

In Ex parte Young, 209 U.S. 123, 52 L. Ed. 714, the Supreme Court declared that an official proceeding unconstitutionally is "stripped of his official character."

The Petition for Writ of Prohibition also discloses that relator made repeated demands for respondents to furnish him the names of witnesses, if any, and a list of documents proposed to be offered in evidence. All demands were denied. (Addendum to Record, page 23; Vol. I, of Report, p. 53; Vol. I, transcript of October 6, 1966, page 21, last paragraph; page 23, 7th and 8th paragraphs; Vol. I, transcript of November 10, 1966, page 65, 3rd paragraph; page 66, first paragraph; Petition hereto attached, page 10, paragraph (o); pages 4-14, paragraphs (a) through (v)).

> "Thus, the writ lies not only to inferior judicial tribunals, but also to inferior ministerial tribunals, possessing incidentally judicial powers and known as quasi-judicial tribunals." 34 C. J. Jur., Prohibitions, Sec. 14.

> "So long, however, as administrative or executive boards or tribunals are acting in a judicial or quasi-judicial capacity, prohibition will lie where it is acting without jurisdiction or in excess of its jurisdiction." 50 C.J., Prohibitions, Sec. 41.

The Writ of Prohibition is authorized by Article VI, Section 9, of the Constitution of Illinois, and is also a recognized common law remedy.

Relator respectfully submits that this Court should grant leave to file said Petition for Writ of Prohibition.

Peter J. Sarelas, Relator.
30 North La Salle Street,
Chicago, Illinois 60602
CEntral 6-1442

APPENDIX "B"

United States of America

State of Illinois }
Supreme Court } ss.

At a Term of the Supreme Court, *begun and held in Springfield, on Monday, the* fourteenth *day of* September *in the year of our Lord, one thousand nine hundred and* seventy *, within and for the State of Illinois.*

PRESENT: ROBERT C. UNDERWOOD, CHIEF JUSTICE

JUSTICE WALTER V. SCHAEFER — JUSTICE THOMAS E. KLUCZYNSKI

JUSTICE DANIEL P. WARD — JUSTICE JOHN T. CULBERTSON, JR.

JUSTICE CASWELL J. CREBS — JUSTICE MARVIN F. BURT

WILLIAM J. SCOTT, ATTORNEY GENERAL

ROBERT G. MILBY, MARSHAL

ATTEST: JUSTIN TAFT, CLERK

BE IT REMEMBERED, that, to-wit: on the 18th day of September A.D. 1970, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said court, had and entered of record, to-wit:

In re:)
)
Peter S. Sarelas,)
)
an Attorney) Commissioner's No. 1369
)
No. 43138)

And now, on this day, the Court having duly considered the motion by Peter S. Sarelas for leave to file a petition for an original writ of prohibition, and being now fully advised of and concerning the premises;

IT IS HEREBY ORDERED that the motion by Peter S. Sarelas for leave to file a petition for an original writ of prohibition be, and the same is, denied.

I, JUSTIN TAFT, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of an order of the said Supreme Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 8th day of December, A.D. 1970.

Clerk,
Supreme Court of the State of Illinois.

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CASES CITED

People Ex. Rel. vs. Harrington 21 Ill. 2d 224, (171 N.E. 2d 647)

People vs. Circuit Court of Cook County 169 Ill. 201 (48 N.E. 717)

North Chicago Congregation vs. Board of Appeals 358 Ill. 549 (193 N.E. 519)

People Ex. Rel. Woll vs. Bruber 394 Ill. 362 (68 N.E. 2d 750)

People vs. Superior Court of Cook County 359, Ill. 612 (195 N.E. 517)

IN THE

Supreme Court of the United States

OCTOBER TERM, A.D. 1970.

No. 1126

PEOPLE OF THE STATE OF ILLINOIS,
ex. rel. PETER S. SARELAS,

Petitioner,

vs.

BOARD OF MANAGERS AND COMMITTEE ON
GRIEVANCES OF THE CHICAGO BAR
ASSOCIATION, AS COMMISSIONERS OF
THE SUPREME COURT OF ILLINOIS,

Respondents.

OPINION OF THE COURT BELOW

The opinion of the Court below consists of an Order, dated September 18, 1970, entered by the Supreme Court of Illinois denying leave to Peter S. Sarelas to file a petition for an original Writ of Prohibition. (Appendix I).

QUESTION PRESENTED

Did the Illinois Supreme Court abuse its discretion in denying leave to Petitioner to file a petition for an original Writ of Prohibition?

CONSTITUTIONAL PROVISION INVOLVED

It is respectfully submitted that no Constitutional provision is involved.

STATEMENT OF THE CASE

A disciplinary proceeding was instituted against Respondent, an attorney licensed to practice before the bar of the State of Illinois, before the Grievance Committee of the Chicago Bar Association, sitting as Commissioners of the Supreme Court of Illinois pursuant to Supreme Court Rule 752 (Appendix II).

At the conclusion of proceedings before said Grievance Committee, sitting as Commissioners, the Commissioners found that Respondent had been guilty of conduct tending to bring the bench and bar into disrepute and a recommendation was made that Respondent be disbarred (Appendix III). Upon review of said proceedings before the Board of Managers of the Chicago Bar Association, also sitting as Commissioners of the Supreme Court of Illinois, said findings and recommendation of discipline was approved and the report of the proceedings was forwarded to the Illinois Supreme Court for its consideration (Appendix IV).

After the forwarding of the report to the Illinois Supreme Court, Petitioner filed a Motion asking leave to file a petition for an original Writ of Prohibition. Said Motion was denied and Petitioner has now filed in this Court a Petition for a Writ of Certiorari to the Supreme Court of Illinois to review its said Order.

ARGUMENT

The Respondents do not constitute an independent tribunal but are Commissioners of the Supreme Court of Illinois appointed to receive, investigate and take evidence concerning complaints against attorneys-at-law and thereafter submit findings of law and fact and recommendations

for action by the Supreme Court. Sections a and c of Illinois Supreme Court Rule 751. (Appendix II).

The Writ of Prohibition is an extraordinary Writ directed by a superior court to an inferior court to prevent the latter from exercising jurisdiction with which it has not been vested by law or, from exceeding the jurisdiction with which it has been vested. People Ex. Rel. v. Harrington 21 Ill 2d 224, (171 N.E. 2d 607); People v. Circuit Court of Cook County 169 Ill. 201 (48 N.E. 717).

The power to issue original writs is discretionary and is to be invoked only when necessary to protect the rights, interests and franchises of the State or the rights and interests of the whole people; or to enforce performance of high official duties which affect the public at large and where an emergency exists, as determined by the Court itself. Such jurisdiction will be exercised to protect local public interests or private rights only if there is no other adequate remedy or where it is necessary to prevent a failure of justice. North Chicago Congregation vs. Board of Appeals 358 Ill. 549 (193 N.E. 519). People Ex. Rel. Woll vs. Braber 394 Ill. 362 (68 N.E. 2d 750); People vs. Superior Court of Cook County 359, Ill. 612 (195 N.E. 517).

In the instant case Petitioner has attempted to have the Illinois Supreme Court prohibit its fact-finding arm from performing its legally established duty. Not only would such action impair the Court's ability to effectively perform its work, but the Court would be entering an Order against itself to curtail disciplinary proceedings involving members of the Bar. Petitioner has ample opportunity to be heard when the Findings and Recommendations of the Respondents are considered by the Illinois Supreme Court, and he

may take whatever action he deems appropriate at that time.

The Illinois Supreme Court had the prerogative to delegate certain of its investigative activities to the Respondents and it has done so. (Sup. Ct. Rule 751). Before the Illinois Constitutional Amendments of 1964, the Constitution of the State of Illinois did not provide for a Writ of Prohibition as one of the original remedies available in the Supreme Court, and the Writ of Prohibition could, at that time, only be used as an aid to the appellate jurisdiction of the Courts to protect and to enforce said appellate jurisdiction. People v. Circuit Court of Cook County 169 Ill. 201 (48 N.E. 717); People v. Superior Court of Cook County, supra.

Since the 1964 amendment of the Judicial Article of the Illinois Constitution, Article VI, Sec. 5, specifically provides that a Writ of Prohibition can be an additional original remedy available in the Illinois Supreme Court. Although no judicial definition of the Writ has yet been set forth, it is to be expected that this remedy, as in the case of all other original remedies available to the Illinois Supreme Court, will be treated in a somewhat similar fashion. Traditionally, the granting of original Writs has been held to be completely discretionary with the Court requested to issue such Writ.

In sum, we have this: (a) The granting or denying of the Writ rests in the sound discretion of the Court and no abuse of that discretion is shown; (b) All remedies under state law have not been exhausted since the proceedings provided for under Illinois Supreme Court Rule 751 are not yet completed; (c) Petitioner's request for a Writ of Prohibition was a request that the Illinois Supreme Court prohibit itself (and its agents) from continuing with the fact-finding function provided by the Court's own rules.

CONCLUSION

Based on the foregoing, it is respectfully submitted that the Illinois Supreme Court did not abuse its discretion and that the Petition for Writ of Certiorari requested of this Court be denied.

Respectfully submitted,

John Cadwalader Meek
29 South La Salle Street
Chicago, Illinois 60603

Heretofore appearing as amicus curiae in the Supreme Court of Illinois for the Board of Managers and the Committee on Grievances of the Chicago Bar Association, Sitting as Commissioners of the Supreme Court of Illinois under Illinois Revised Statutes c. 110A § 751 (1967).

APPENDIX I

UNITED STATES OF AMERICA

STATE OF ILLINOIS
SUPREME COURT } ss.

AT A TERM OF THE SUPREME COURT, begun and held in Springfield, on Monday, the fourteenth day of September in the year of our Lord, one thousand nine hundred and seventy, within and for the State of Illinois.

PRESENT: ROBERT C. UNDERWOOD, CHIEF JUSTICE

JUSTICE WALTER V. SCHAEFER JUSTICE THOMAS E. KLUCZYNSKI

JUSTICE DANIEL P. WARD JUSTICE JOHN T. CULBERTSON, JR.

JUSTICE CASWELL J. CREBS JUSTICE MARVIN F. BURT

WILLIAM J. SCOTT, ATTORNEY GENERAL

ROBERT G. MILEY, MARSHAL

ATTEST: JUSTIN TAFT, CLERK

BE IT REMEMBERED, that, to-wit: on the 18th day of September A.D. 1970, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said court, had and entered of record, to-wit:

IN RE:

PETER S. SARELAS, AN ATTORNEY } Commissioner's No. 1369

No. 43138

And now, on this day, the Court having duly considered the motion by Peter S. Sarelas for leave to file a petition for an original writ of prohibition, and being now fully advised of and concerning the premises;

IT IS HEREBY ORDERED that the motion by Peter S. Sarelas for leave to file a petition for an original writ of prohibition be, and the same is, denied.

I, JUSTIN TAFT, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of an order of the said Supreme Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 8th day of December, A.D. 1970.

JUSTIN TAFT, Clerk,

Supreme Court of the State of Illinois.

APPENDIX II

ILLINOIS SUPREME COURT RULES

Part B. Discipline of Attorneys

Rule 751. Proceeding to Strike Attorney's Name from Roll

(a) The Board of Governors and its existing Committee on Grievances, and their successors as such, of the Illinois State Bar Association, and the Board of Managers and its existing Committee on Grievances, and their successors as such, of the Chicago Bar Association, are hereby appointed as Commissioners of the Supreme Court and are empowered and charged to make investigations from time to time, as may be necessary, concerning practices of attorneys at law which tend to defeat the administration of justice or to bring the courts and the legal profession into disrepute. To this end, these commissioners are further empowered and charged to receive, entertain, inquire into, and take proof concerning complaints against attorneys at law of this state, and may call to their assistance in such inquiries other members of the bar or bar associations of the state, may make all necessary rules and regulations concerning the conduct of such inquiries, and may themselves, or by such committees as they may designate, take the evidence of witnesses, as hereinafter provided.

(b) No complaint against an attorney at law shall be entertained unless it is signed by the person or persons aggrieved or by the president and secretary of a regularly organized bar association or by the chairman of a regularly appointed committee of the Chicago or Illinois State Bar Associations and unless it is sufficiently clear and specific in its charges as reasonably to inform said attorney at law of the acts of misconduct he is claimed to have committed.

(c) When a member of the bar, designated by the Board of Governors of the Illinois State Bar Association or the Board of Managers of the Chicago Bar Association so to do, shall file in the office of the clerk of the Supreme Court an affidavit showing that any respondent resides or has gone out of this state or on due inquiry cannot be found, or is concealed within this state, so that process cannot be served upon him, and stating the place of residence of such respondent, if known, or that upon diligent inquiry his place of residence cannot be ascertained, and stating his last known place of residence, the clerk of the Supreme Court shall cause publication to be made in some newspaper of general circulation published in the county of respondent's place of residence or last known place of residence in this state, as set forth in such affidavit, containing notice of the pendency of the proceeding, the names of the complainant and the respondent, the title of this Court and that of the commissioners of the Court (the members of the Board of Governors and Committee on Grievances of the Illinois State Bar Association or of the Board of Managers and the Committee on Grievances of the Chicago Bar Association, as the case may be) and the time and place of the hearing of the case. He shall also within ten days from the first publication of such notice send a copy thereof by mail, addressed to such respondent whose residence or last known place of residence is stated in such affidavit. The certificate of the clerk that he has sent such copy in pursuance of this provision shall be evidence. Such notice shall be published for three consecutive weeks, the first insertion of which shall be at least thirty days before the date upon which the said cause shall be set for hearing by the commissioners; and unless said time has intervened no proceedings therein shall be had, but the said cause shall stand continued to a date at least thirty days after the said first date set for hearing,

provided, that in case the respondent appears and consents to the hearing the cause may be heard at an earlier time.

(d) Upon application by such commissioners, or committees, the clerk of the Supreme Court shall issue writs of subpoena ad testificandum, writs of subpoena duces tecum, or dedimus potestatem to take depositions. The commissioners and their committees are empowered to take and transcribe the evidence of witnesses, who shall be sworn by a commissioner or any person authorized by law to administer oaths, and the commissioners shall report to the Supreme Court the failure or refusal of any person to attend and testify in response to any subpoena. The hearings before the commissioners or committees shall be private unless the respondent shall request that they be public.

(e) At the conclusion of a hearing upon any complaint against any attorney before such commissioners or committees, the Board of Governors or Board of Managers, as the case may be, shall, if action by the Supreme Court of any kind is recommended, make report to the Supreme Court of its conclusions of fact and law concerning the complaint, answer, and proof; and thereupon such matters shall stand for hearing and disposition in this Court. Such report shall be entered on the docket and entitled in the name of the respondent. Upon the filing of any such report with proof of service of a copy thereof on the respondent in the same manner as briefs are required by rule of the Supreme Court to be served, the respondent therein shall have ten days from the date of such filing to file exceptions thereto, and shall, within twenty days after the filing of such exceptions, bring to the Supreme Court the record and proofs, or such parts thereof as may be necessary to enable the Court to pass upon such exceptions. The commissioners, upon re-

quest of the respondent and payment of the actual cost thereof, shall certify to the Court the proofs and record, or such parts thereof as the respondent may designate. With such record the respondent shall file a printed brief and designation of excerpt from record or an abstract as provided in rules 341, 342, and 344.

(f) Upon the filing of exceptions to such report by the respondent, the Board of Governors or the Board of Managers, as the case may be, shall designate a member of the bar to file such certificates of proof, additional designation of excerpts or additional abstract, and brief as may be deemed necessary fully to advise the Court. Such additional designation or additional abstract, if any, and brief shall be filed within twenty days after the filing of the respondent's designation or abstract and brief, and respondent may file a reply brief and excerpts from record in 10 days. The number of excerpts or abstracts and briefs and the manner of their duplication and service shall be governed by rule 344.

APPENDIX III

CONCLUSION

It is apparent from what has been set forth above that, commencing with 1954, the Respondent, Peter S. Sarelas, has instituted numerous lawsuits against other members of the Bar, Masters in Chancery and various Judges. In most instances, these suits were directed at lawyers who represented individuals who were being sued by Respondent in other litigation and at judges who had ruled against Respondent in prior cases. The evidence before this Committee demonstrates conclusively that not only were these suits groundless, but that in practically every instance Respondent accompanied the suits with scurrilous and vituperative attacks upon the defendants therein.

Respondent, furthermore, in an attempt to put a halt to these disciplinary proceedings, filed two lawsuits against some of the members of this Committee and attempted to make a circus out of the Committee hearings by continually and repeatedly harassing, and directing invective at, the Commissioners and the representatives of the Committee on Inquiry.

The first canon of professional ethics of the Illinois State Bar Association and the Chicago Bar Association makes it the duty of a lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but because the proper maintenance of that office is of supreme importance. A judge should be immune from personal attack in a civil proceeding for acts within his jurisdiction. Similarly, Canon 17 proclaims it to be the duty of lawyers to treat each other with fairness and respect and to scrupulously avoid all personalities with opposing counsel.

It is the opinion of the Commissioners that the filing by an attorney of groundless lawsuits against judges and opposing attorneys, his use of insulting and defamatory language, and his offensive conduct towards the judges and opposing attorneys tends to bring the courts and the law into disrepute and tends to destroy public confidence in the bench and bar. The Commissioners, therefore, recommend that the Respondent be disbarred.

.....

Chairman: Lester Asher
Division IV

APPENDIX IV

COMMITTEE ON GRIEVANCES AND BOARD OF MANAGERS OF THE CHICAGO BAR ASSOCIATION, SITTING AS COMMISSIONERS OF THE SUPREME COURT OF ILLINOIS

In the Matter of Peter S. Sarelas, an Attorney.	Commissioner's No. 1369

ORDER

The above entitled cause having come on for consideration before the Board of Managers of the Chicago Bar Association, sitting as Commissioners of the Supreme Court of Illinois, on the Amended Report of the Committee on Grievances recommending that the Respondent, PETER S. SARELAS, be disbarred by the Supreme Court of Illinois and on the Motion of the Respondent for an extension of time to file Objections and a Request for Oral Argument, and the Commissioners being fully advised in the premises;

NOW THEREFORE IT IS ORDERED THAT:

1. The Motion of the Respondent for an extension of time to file Objections be and it hereby is denied.

2. The Request of the Respondent for Oral Argument be and it hereby is denied.

3. The Objections heretofore filed by the Respondent before the Committee on Grievances stand as his Objections to the Report, Findings as Amended and Recommendation of the Committee on Grievances before the Board of Managers, as Commissioners.

4. The Objections of the Respondent be and they hereby are overruled.

5. The Report, Findings as Amended and the Recommendation of the Committee on Grievances that the Respondent, PETER S. SARELAS, be disbarred by

the Supreme Court of Illinois be and they hereby are approved.

6. Said Report as Amended and hereby Approved be filed with the Supreme Court of Illinois on May 4th, 1970.

7. Copies of this Order be sent to all Parties and Counsel of Record.

April 23, 1970
Chicago, Illinois

FRANK GREENBERG
Frank Greenberg, President of the Chicago Bar Association, and Commissioner of the Supreme Court of Illinois

Copies of this Order sent to all Parties and Counsel of Record.

JOHN F. MCBRIDE
John F. McBride, Secretary
Committee on Grievances

Counsel for Complainant

John W. Schelthoff
1 North La Salle St., #1601
Chicago, Illinois

Respondent

Peter S. Sarelas
30 North La Salle St., #1601
Chicago, Illinois

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NO. 1126

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1970.

PEOPLE OF THE STATE OF ILLINOIS,
Ex Rel. PETER S. SARELAS,
Petitioner,

vs.

BOARD OF MANAGERS AND COMMITTEE ON
GRIEVANCES OF THE CHICAGO BAR ASSOCIATION,
AS COMMISSIONERS OF THE SUPREME COURT OF
ILLINOIS,
Respondents.

REPLY OF PETITIONER TO BRIEF OF RESPONDENTS.

Peter S. Sarelas
30 North La Salle Street
Chicago, Illinois 60602
CEntral 6-1442
Petitioner, Pro Se.

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NO. 1126

IN THE
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AS COMMISSIONERS OF THE SUPREME COURT OF
ILLINOIS,
Respondents.

REPLY OF PETITIONER TO BRIEF OF RESPONDENTS.

Respondents' Brief in opposition to the Petition is not responsive. Conclusions are asserted as facts without any supporting reference to the Record.

The Record clearly demonstrates that the respondents proceeded to act unconstitutionally, without jurisdiction, without authority, without a signed and verified complaint, or a signed complaint, as required and specified by Section 751(b) of Chapter 110A, Illinois Revised Statutes, set forth verbatim on page 5 of Petition, and without a complainant,

or any witness appearing to testify, and without evidence. (Petition, Statement of the Case, pages 7 to 27, with specific references to the Record).

It was admitted by the attorney for a pretended, unseen, and unheard of complainant, and for the purported commissioners, that there was no evidence; that the "evidence" consisted of "all of the complaints and actions that were filed" by petitioner "over the years". (Supplemental Record, transcript of proceedings had on April 2nd, 1970, page 32).

The same attorney had stated that he had no witnesses. (Vol. I of Record, transcript of proceedings, page 41; Petition, Appendix A, page 8).Petition, page 12, par.(h).)

Petitioner's repeated demands for respondents to furnish him the names of witnesses, if any, and a list of documents proposed to be offered in evidence, were all denied. (Vol. Five, Addendum to Record, page 23; Vol. I of Record, page 53; Vol. I, transcript of proceedings of October 6, 1966, page 21, last paragraph; page 23, 7th and 8th paragraphs; Vol. I, transcript of proceedings of November 10, 1966, page 65, 3rd paragraph; page 66, first paragraph; Petition, Appendix A, page 11; Petition, paragraph (o), pages 17-18).

The Record clearly demonstrates that the respondents have proceeded unconstitutionally, without jurisdiction and without authority, to act as a super-court or board of inquisition, outside of, or over and above,the duly constituted State and Federal Court system, to review, re-adjudicate, inquire into, intermeddle, interfere with, obstruct and deprive the petitioner of the equal right to sue, to be party litigant, to give evidence,

and to the full and equal benefit of laws and proceedings. (Petition, pages 7-27, giving specific references to the Record.)

As was said in People v. Graber, 405 Ill. 331, 90 N.E.2d 763 at 773, first column:

"*** if the action sought to be prohibited is judicial in its nature, it may be prevented by the writ of prohibition, although the tribunal or person to whom the writ is addressed is not in name a court or judge. 'Thus, the writ lies not only to inferior judicial tribunals, but also to inferior ministerial tribunals, possessing incidentally judicial powers and known as quasi-judicial tribunals.' 42 Am. Jur., Prohibition, sec. 14. Or, stated somewhat differently, 'when an administrative or executive board or tribunal is acting in a judicial or quasi-judicial capacity, prohibition will lie where it is acting without jurisdiction or in excess of its jurisdiction' 50 C.J., Prohibition, sec. 41." (Emphasis added).

The Constitution of Illinois, Article VI, Section 5, authorizes the exercise by the Illinois Supreme Court of original jurisdiction in prohibition, mandamus, among other cases. (Illinois Revised Statutes, 1965-1969, page 18).

"'Judicial discretion' implies conscientious judgment, not arbitrary or willful action, and it takes account of law and particular circumstances of the case and is directed by the reason and conscience of the Judge to a just result." State v. Duncan, 270 N.C. 241, 154 S.E. 2d 53, 57).

"For a judge to pursue a course which is contrary to law is not the exercise of judicial discretion, but simply a violation of the law by the judge." Stancato vs. Chicago Business Men's Ass'n, 246 Ill.App. 464, 466,

No provision is made in the overbroad and vague Section 751(a) of Chapter 110A, Illinois Revised Statutes, 1967-1969, set forth verbatim on page 5 of the Petition, for examination of qualifications and for certification from any governmental authority of the persons, foisted by their own private arrangement to act as "commissioners". Examples of their illegal and unethical activities are described on pages 21-27 of the Petition with documentation and specific references to the Record.

Frank Greenberg, who signed, issued and circulated a paper labeled "ORDER", personating a judicial official and simulating legal process, stated that such "ORDER" was decided by a "quorum" and that the Commissioners "sat in judgment".

He refused to furnish a copy of by-laws or rules to petitioner, defining what constitutes a "quorum". He also refused to state the names of members of the Board of Managers and Committee on Grievances, who participated and approved the making, issuance and circulation of the paper labeled "ORDER". (Petition, page 20, first and second paragraphs).

> "A state can act only through agents; and whether the agent be an individual officer or a corporate agency, it ceases to represent the state when it attempts to use state power in violation of the Constitution and may be enjoined from such unconstitutional action." School Board of City of Charlottesville, Va. v. Allen, 240 F.2d 59, 63, (4 Cir. 1956, Cert. denied).

Additional authorities: Louisiana State Board of Education, v. Baker, 339 F.2d 911, 913, (Cir. 5, 1964); Ex parte Young, 209 U.S. 123, 159-160, 52 L.Ed. 714, 729.

"It is therefore the imperative duty of courts, from which they may not turn aside, to restrain conduct which, in the guise of officialdom, and in the name of authority, imposes arbitrary restraints, takes property without due process, denies the equal protection of the laws." Jackson v. Railroad Commission of Texas, 12 F.Supp. 348, 350, (Dist. Court, W.D.Texas' Austin Division, 1935).

The Court further said at page 350:

"Attempts of state officials or boards, no matter how abstractly well conceived or beneficially applied, to enforce laws with regard to matters committed to their care, by punitive measures or retributive exactions invented by themselves, or by other means not authorized by law, strip them, as to those actions, of their official character, and subject them personally to the compulsive force of remedial decrees. Constantin v. Smith, (D.C.) 57 F.2d 227 at pages 235, 236; Sterling v. Constantin, 287 U.S. 378, 53 S.Ct.190, 77 L.Ed. 375."

"*** For, independent of each other in their respective spheres as are the state and federal governments, the Constitution of the United States is the supreme law of the land, and the courts of the United States, as the repositories of federal judicial power, are compelled to and will assert and vindicate its supremacy, <u>to protect the rights of individuals menaced by personal aggression masked under official power.</u> (Citing authorities)." Constantin v. Smith, 57 F.2d 227, 235-236 (D.C. E.D. Texas, Tyler Division, 1932). (Emphasis added).

Examples of Discriminatory and Unequal Application of Illinois Disciplinary Proceedings.

The assemblage of persons purporting to act as commissioners, without examination of their qualifications, and without certification from any governmental authority, also violate

the publicly declared policy of the Chicago Bar Association, that the "Committee" does not "review Court decisions"; that the "Committee" does not "intervene in favor of wither party to a law suit"; that "The Committee has no power to review court decisions or to review or alter a ruling or decree of court"; that "The Committee is not a court". (Vol. Five, Objections of Respondent to "Report", page 11, first par.).

The Chicago Bar Association in a letter dated April 26, 1938, to Jim Gaparas, 659 East 47th Street, Chicago, Illinois, who had complained against his attorney who embezzled his money, stated:

"The Bar Association Committees do not act as courts of review".

Gaparas' complaint was dismissed without a hearing.

In another letter to Jim Gaparas, dated May 2nd, 1938, the Chicago Bar Association, stated:

"*** It is a matter of privilege, rather than right, that you appear before our Committee".

(Vol. Five, Objections of Respondent to "Report", page 11, third and fourth paragraphs).

In another matter where the attorney received thousands of dollars from his client to defend him in a criminal case, and the attorney failed to appear and defend the client, the United States Court of Appeals, 7th Circuit, confirmed the discriminatory and unequal application of Section 101.59 of Chapter 110 (now Section 751(a) of Chapter 110A), Illinois Revised Statutes, 1961-1969, by the Chicago Bar Association. The Court stated in Tranowski v. Chicago Bar Association,

309 P.2d 421 (October 9, 1962) at page 422:

> "The Board or Committee has no duty to recommend disciplinary action in every inquiry, and none to report its action in every inquiry to the Supreme Court. It follows that the only pertinent duty the Association had was to permit plaintiff to complain."

(Vol. Five, Objections of Respondent to "Report", page 11, last two paragraphs.)

In re Michael A. Serritella, Attorney, Respondent, was charged, among other charges, that he "was aiding and abetting the defrauding of the County of Cook (Illinois) by cashing payroll checks issued to a fictitious person."5 Ill.2d 392, 125 N.E.2d 531, 532. The commissioners recommended censure. The Illinois Supreme Court decided: "The recommendation of the commissioners is denied and the rule discharged." 125 N.E.2d at 535, last two paragraphs.

The Illinois Supreme Court quoted from the case of In re Mitgang, 385 Ill.311, 324, 52 N.E.2d 807, 813:

> "'In order to warrant disbarment or suspension the record must be free from doubt not only as to the act charged but also as to the motive with which it is done.(Citations). A lawyer will not be subjected to discipline merely upon suspicious circumstances.'" 125 N.E.2d at 535.

Gerard A. Serritella, brother of Michael A. Serritella, was an intermeddler in plaintiff's (petitioner's) litigation, holding himself out as being able to influence the outcome of cases without judicial inquiry, in favor of the defendants in petitioner's litigation. (Vol. Five, Objections of Respondent to "Report", page 27, 2nd paragraph; page 40,

1st paragraph; Vol. 1 of Record, page 62, 6th paragraph). The commissioners have shielded and protected Gerard A. Serritella.

The commissioners also shielded and protected John C. Gekas, an attorney, who presented and filed his own petition in the Probate Court of Cook County, Illinois, to have his client, Peter Skontos, declared incompetent, without Notice and without a hearing, in order to destroy the client who was demanding his money, which was withheld and misappropriated by Gekas, his attorney.

The attached Appendix to the Objections of Respondent to "Report" in Volume Five, of Record, relates with specificity the multiple ordeals inflicted against the client by attorney Gekas and his collaborators, hastening the client's death.

Canon 29 of the Canons of Professional Ethics, admonished:

> "Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client."

Canon One of the Canons of Professional Ethics, admonished:

> "Whenever there is proper ground for serious complaint of a judicial officer it is the right and duty of the lawyer to submit his grievances to the proper authorities." (Emphasis added).

The commissioners also shield and protect Manuel J. Robbins, attorney for the First Mutual Savings Association, now defunct, indicted for criminal offenses under Title 18, Section 371, U.S.C., (using the mails to sell unregistered securities); Title 15, Sections 773(a)(1), and 77q(a), U.S.C., (using the

mails in a scheme to defraud), as described in Case No.66 CR 477, United States District Court for the Northern District of Illinois, Eastern Division. (Vol. Five of Record, Objections of Respondent to "Report", page 33, 2nd paragraph; Vol. III of Record, page 233. last paragraph, continued on page 234.

The commissioners also shield and protect William H.Alexander, who made and filed a false and perjurious affidavit, known to be false and perjurious, and proven to be false and perjurious by the certified copies of the records of the Clerk of the Circuit Court of Cook County, Illinois. (Vol. Five of Record, page 45; Vol. III of Record, page 374, last two paragraphs, continued on page 375, first five paragraphs.)

The commissioners also shield and protect Anthony M. Anzalone, Hollis L. Green and Cecil A. Partee. They were total strangers, unknown and unheard of by John W. Porter, a bed-ridden invalid, 76 years old, with an amputated leg, when on February 18, 1967, they seized and kept his property and assets, without authority.

On February 22, 1967, Anzalone, Green and Partee, caused John W. Porter's home to be invaded again. Anzalone was accompanied by a nurse who had been dischraged for refusing to make restitution of the moneys and property extracted from John W. Porter, with forged and falsified bills, represented to be for medical supplies. Anzalone was also accompanied by the husband of the discharged nurse, a gunman who was boasting of his shooting propensities. Anzalone ordered John W. Porter's trusted and competent nurse to "get out". Anzalone ordered that the discharged nurse will begin working.

John W. Porter succumbed to the ordeals inflicted against him and he died on April 15, 1967, within less than two months from February 18, 1967, when he became the target of Anzalone, Hollis and Partee, attorneys. They prevented an autopsy and destroyed the evidence as to the cause of his death on April 15, 1967, by causing John W. Porter's body to be cremated on April 17, 1967. The excuse circulated for the cremation was that John W. Porter was a Mason, and Masons were cremated. (Vol. Five of Record, pages 46-49; Vol. III of Record, page 375, last two paragraphs; page 376, and page 377, first four paragraphs).

No account was ever made by Anzalone, Green and Partee, for the property and assets of John W. Porter, which was seized and kept since February 18, 1967.

The commissioners also shield and protect John C. Gekas, Spiros D. Soter, ring leaders, and their collaborators, who combined to commit assault, riot and defamation, while the petitioner was presiding as president of the Hellenic Professional Society of Illinois, asserting the right of the Society to function as a lawful and patriotic entity, without the infiltration of known subversives and communists who sought to use the name of the Society as a front and shield for the "Greek-American Council, Chicago Chapter", incorporated May 2, 1945, in Illinois, which was and is classified and described as subversive and a communist front in the House of Representatives Document No. 226, page 42, and in Document No. 398, page 50, both entitled "Guide to Subversive Organizations and Publications". (Vol. Five of

Record, Objections of Respondent to "Report", page 26,second paragraph; Vol. I of Record, page 59, second paragraph).

The above named Spiros D. Soter, a ring leader with John C. Gekas, both shielded and protected by the "commissioners", was arrested for selling narcotics, and other related offenses. The Chicago Tribune Article of July 13, 1965, page 7, Section 2, states: "that drug addicts from thruout the City were visiting his 15th floor office at 55 E. Washington St."; "that Mr. Soter had prescription books in his office containing the names of at least 15 known dope addicts." (Vol. Five, Objections of Respondent to "Report", page 26, last 2 paragraphs; Exhibit 5, page 26-A; page 27, first paragraph; Vol. I, page 59, second and third paragraphs; Vol. II, page 157, paragraph (d); page 219, last two paragraphs, continued on page 220.)

Spiros D. Soter, shielded and protected by the "commissioners", circulated and caused to be circulated a libelous and defamatory article against lawyers, published in "Atlantis", New York,"An American Newspaper Published in Greek", November 22, 1959, on page 13 of "Section II Pictorial Magazine".

A xerocopy of said article and a literal translation thereof, are attached as Exhibits "7" and "7-A", page 29-A, attached to page 29, of Objections of Respondent to "Report", Volume Five of Record. Reference to page 29 is to paragraph 5 thereof.

The aforementioned John C. Gekas, shielded and protected by the "commissioners", advertised repeatedly his legal services, soliciting for himself legal business, in two different Chicago publications. (Vol. I of Record, page 61 (misnumbered 62), 6th paragraph).

The commissioners also shield and protect Basil Christoforacos, with two alias names, who entered the United States illegally, via Argentina, in 1947. He boasted of his criminal exploits in Greece as a communist, and threatened:

"There will be another round by the communists in Greece with blood flowing so that a calf could swim".

Petitioner was threatened and threats were conveyed to him, including the following:

"I will cut you to pieces when I see you".

"Tell him to get out of town or I will kill him".

"You are going to die, you are going to die, you are going to die, you understand that? You are going to die".

"I cut your throat when I see you".

(Vol. Five of Record, Objections of Respondent to "Report", page 28, paragraph 4, continued on page 29; Vol. I, page 67, second, third and fourth paragraphs).

The commissioners also shield and protect Harry G. Fins, and Oscar M. Nudelman. During the pendency of petitioner's private litigation, Fins was boasting and threatening the petitioner, that he was activating and interfering to procure decisions in favor of the defendants in said litigation, without judicial inquiry.

Harry G. Fins, sought to extort money from petitioner, threatening that petitioner's litigation would be lost, unless petitioner purchased justice through Fins. Harry G. Fins demanded: "Supply and Demand; Supply and Demand; Supply and Demand". (Vol. Five of Record, Objections of Respondent

to "Report", page 29, last two paragraphs, continued on page 30, first line; Vol. I of Record, page 59, last two paragraphs, continued on page 60, first two lines.)

Because the petitioner refused to purchase justice through Harry G. Fins, he circulated and published repeatedly inside and outside the courthouses, papers containing descriptions of petitioner's private litigation, known to Fins to be false, distorted and fictitious, calculated to be used as instruments of wrongdoing and to obstruct justice. Such descriptions were also circulated and published repeatedly by Fins' collaborator, Oscar M. Nudelman, inside and outside the courthouses.

The statements of Oscar M. Nudelman, quoted in the Affidavits, Exhibits "1" and "2", pages 69-74, 75-82 of Volume I of Record, reveal the extent and depth of their intentional malevolent offenses. (Vol. Five, Objections of Respondent to "Report", page 30, first two paragraphs; Vol. I of Record, page 60, first two paragraphs.)

Examples of Statements Published and Circulated by Officials of the Chicago and Illinois Bar Associations, Relating to the Judiciary, and Publications in the Official Organ of the Chicago Bar Association.

1. Walter H. Moses, president of the Chicago Bar Association, in 1963, was condemned by eleven judges in Cook County, Illinois, for publishing and circulating court bribe charges, bringing the courts into disrepute. The condemnation was widely publicized in the Metropolitan newspapers of Chicago. The Chicago Daily News of May 9, 1963, on page 6, column 1, reported:

"The association formally charged that the shakedowns

were occuring in Municipal, Superior, Circuit, Criminal, Probate and Traffic Courts here."

Walter H. Moses, in a statement published in the Chicago Tribune, on May 9, 1963, on page 10, Section 1, admitted that his charges against the court clerks were a "generalized statement." (Vol. Five of Record, Objections of Respondent to "Report", page 12, beginning with third paragraph, continued on page 13; Vol. I of Record, page 67, first paragraph; Vol. III of Record, page 377, last paragraph, continued on page 378).

2. In the Chicago-Sun-Times of November 15, 1956, on page 35, under the bold type headline of "URGES 'BIG STICK' TO GOVERN JUDGES", are reported the declarations of a past president of the Chicago Bar Association:

"Under our present system a judge is not accountable to anyone but himself. Judges should be held accountable to some director with a soft voice who would place emphasis on the big stick." (Vol. Five of Record, page 13, of Objections to "Report".)

3. The Chicago Tribune of November 15, 1947, in big bold type headline letters announced:

"BAR GROUP FINDS GRAFT IS PAID TO CITY COURT AIDS".

In the same column, page 1, the following statement is found:

"In a supplemental statement , Erwin W. Roemer, president of the bar association, asserted that the petty racket did not stop within the precincts of the Municipal Court and its adjuncts, but presumably extended to the State and Federal courts and to other public offices."

(Vol. Five of Record, pages 13-14, Objections of Respondent to "Report").

4. Chicago's American of February 21, 1960, on page 42, reported what a past president of the Illinois State Bar Association, said:

"Some said courts are infiltrated with politics and politicians and they are merely an adjunct of a political party." (Vol. Five of Record, Objections of Respondent to "Report", page 14).

5. The Chicago Daily News of August 7, 1969, page 5, last 3 columns, in big bold type headline letters announced:

"Greenberg reform plan

"BAR CHIEF ASKS END TO 'HACKS' ON BENCH".

The article quotes the "Bar Chief": "Some judges 'have no better qualifications for the judicial system than the brownie points they got working for their political parties'". (Vol. Five of Record, Objections of Respondent to "Report", page 15).

6. The Chicago Bar Association sponsored a stage production in December of 1969, in which a Federal Judge presiding in the Conspiracy "7" criminal trial, was cruelly defamed, ridiculed, and insulted, with the resultant wounding of his feelings and humiliation to his person and to his official position. As the presiding Judge during the trial, he could not respond and publicize his protest to protect his honor and his office as a Federal Judge. Such bizarre debasement of a Federal Judge also offended the sense of propriety and good taste of worthy people.

Reference is made to Chicago Tribune: December 19, 1969, editorial page; December 24, 1969, Voice of the People letter, Section 1, page 8; December 27, 1969, Voice of the People letter,

Section 1, page 12; December 30, 1969, Section 1, page 3, last 3 columns; January 8, 1970, Section 1, page 3.
Chicago Daily News: December 30, 1969, page 4, last 2 columns; January 8, 1970, page 8, last 2 columns; January 9, 1970, page 17, last 2 columns; January 9, 1970, page 3, 3rd column;
Chicago Tribune: January 9, 1970, page 1, columns 3-5;
Chicago Sun-Times: December 20, 1969, page 24, columns 1-4; December 30, 1969, page 22, columns 1-4; January 9, 1970, page 5, columns 1-2;
Chicago Today: December 18, 1969, page 20, editorial columns 1-2; December 20, 1969, page 6, columns 4-5.
(Vol. Five of Record, Objections of Respondent to "Report", page 15).

7. The "Chicago Bar Record" of January 1965, official publication of the Chicago Bar Association, published and circulated under the heading of "WHAT'S WRONG WITH TRIAL COURTS--OR 'DEAD FLIES IN THE OINTMENT'", the address given at the American Bar Association, Section on Judicial Administration, on August 10, 1964, by Elmo Lyon (page 189).

The following classifications of judges were published and widely circulated, with comments under each classification:

"1. The judge who thinks he is anointed--not merely appointed." (page 189).

"2. Fails to realize that justice, not speed, should be the aim of all litigation." (page 190).

"3. The assumption he is a presiding officer." (page 190).

"4. Fails to realize that justice must appear to be done as well as being done." (page 191).

"5. Has no consideration for the time and energy of the lawyers involved." (page 191).

"6. Assumes he knows as much about the case as the lawyer who has worked on it for months." (page 192).

"7. Considers lawyers and juries as sometimes necessary but always nuisances." (page 192).

"8. The law-loving judge." (page 193).

The author prefaces his comments under the above quoted classifications with the following statement:(page 189, second column, second paragraph):

"Equally certain there are few judges who to some degree have none of the bad attitudes. From these bad attitudes flow bad habits, incorrect practices, and the ends of justice are too often defeated."

(Vol. Five of Record, Objections of Respondent to "Report", page 17).

8. The Chicago Bar Record of October 1969, published an article by the Governor of Illinois. In his discussion of "Three Problems with our Courts", the Governor states(page 8):

"The third is bad law--inequities, defects and rigidities in the law--which, in fact, impedes the swift and impartial administration of justice to our citizens."

(Vol. Five of Record, Objections of Respondent to "Report"p.17).

The same article was published in the Illinois Bar Journal of October 1969, under the bold type headline,"THE CRISIS IN OUR COURTS".(page 94). (Vol. Five, Objections to "Report",p.18).

Additional Publications Relating to Judges and Courts.

1. The Chicago Tribune of October 30, 1947, on page 1, in big bold type headline letters announced:

"JURORS' GROUP VERIFIES DRAFT IN CITY COURTS".

(Vol. Five of Record, Objections of Respondent to "Report" page 13.)

2. The Chicago Tribune of June 11, 1940, editorial page, quoted the then Governor of Illinois;

"In Illinois, it is no longer a question what law you have on your side, but what lawyer."-- Dwight H. Green, in an address before alumni of the University of Chicago Law School. (Vol. Five of Record, Objections of Respondent to "Report", page 14.)

3. The Chicago Tribune of January 12, 1961, on page 1, first column, in big bold type headline letters, announced:

"U. S. ATTORNEY QUITS; BLASTS JUDGES HERE".

(Vol. Five of Record, Objections of Respondent to "Report", page 14.)

4. Chicago's American of April 4, 1961, on page 4, in big bold type headline letters, announced:

"TRANSFER 32 BAILIFFS IN COURT SHIFT SCANDAL".

(Vol. Five of Record, Objections of Respondent to "Report", page 14.)

5. The Chicago Tribune of May 5, 1959, on page 1, in big bold type headline letters, announced:

"INSIDE STORY OF 'FIXING' IN COURT IS TOLD";

"Some Make $1,000 a Week: Clerk".

(Vol. Five of Record, Objections to "Report", page 14.)

Appendix III of Respondents' Brief Contains a Supplementa of Unfounded and Unproven Conclusions.

Under the label of "Conclusion", Appendix III, pages 12-13 of respondents' Brief, signed by Lester Asbyr alone, his conglomerate of unfounded and unproven conclusions is represented as factual, without any reference to the Record. It is denied by petitioner.

No "Matters in Chancery" were sued by petitioner. Thomas J. Vaughan, admitted in his affidavit that he was not acting as a master in chancery or referee, and admitted that the statement in a certificate, circulated without notice or copy to petitioner, that he was a Master or Referee, when he was appointed only as a deposition commissioner for discovery, was not true. (Vol. Five of Record, Objections of Respondent to "Report", page 51, third paragraph; page 57, last three paragraphs; page 58, first paragraph; Vol. I of Record, page 60, last two paragraphs, continued on page 61 (misnumbered 62), first four paragraphs; Vol. II of Record, page 154, paragraph 15(a); page 160, paragraph 18(b); page 232, last six lines, continued on page 233, first paragraph; page 269, sub-paragraphs (a) and (b), continued on page 270; pages 270-275, sub-paragraphs (c) through (j).

The Fourteenth Amendment to the Federal Constitution, guarantees equal access to state and federal courts under the Due Process Clause. Stillman v. Hay, 9 Cir., 322 F.2d 314, 316; Enfield v. Billicam, 9 Cir., 290 F.2d 692, 696.

A series of articles in the Chicago Sun-Times, points out expose the various illegal techniques of masters, including

Thomas J. Sheehan. The articles appeared on January 9, 1962, page 1; January 10, 1962, page 1; January 11, 1962, page 4; January 12, 1962, page 4; January 14, 1962, page 3.

The techniques of Thomas J. Sheehan, are described in the edition of January 9, 1962, at page 14, 1st column.

Headlines with big bold type letters in the edition of of January 9, 1962, on page 1, state:

"AN ABUSE OF COURTS?

"MASTERS IN CHANCERY--- OUR INVISIBLE JUDICIARY."

In the Chicago Sun-Times of January 9, 1962, on page 4, the headline in bold type letters, announces:

"BAR GROUPS SEEK END TO MASTER-IN-CHANCERY SETUP".

The article includes the following statements:

"Court interpretation holds 'their duties are primarily ministerial and clerical; they are not vested with judicial powers nor can such powers be delegated to them by the court'."

"Chapter 90 also requires each master to make quarterly reports on all moneys which may have come into his hands by virtue of his office from any source whatsoever and which have not been paid out by order of court."

(Vol. Five of Record, Objections of Respondent to "Report", page 37, beginning with the second paragraph.)

Canon One of the Chicago and Illinois Bar Association Professional Ethics admonished:

> "Whenever there is proper ground for serious complaint of a judicial officer it is the right and duty of the lawyer to submit his grievances to the proper authorities."

"... Not every action by a judge is in exercise of his judicial function. For example, it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse." Yates v. Village of Hoffman Estates, 209 F. Supp. 757, 759, (U.S.D.C., N.D. Ill. E.D. 1962).

"Defendant as a judge possessed power by virtue of a state law and made it possible for him to do what he is charged with doing. (Citing U.S. Supreme Court Decisions)" Spires v. Bottorf, 317 F.2d 273, 274, (7 Cir. 1963).

"Excuse for misconduct may not be found in the fact that the wrongdoer is a judge." In re Chicago, R.I. & P. Ry. Co., 162 F.2d 606, at 611 (7 Cir. 1947).

In petitioner's Complaint against a state judge sued as an individual for actionable wrongs committed outside his judicial role, the Federal District Judge's Order stated:

"On Motion of pltff, words 'Judge of the Superior Court of Cook County stricken in caption of Motion to Dismiss. Any reference to Deft's judicial position in body of Motion to Dismiss is ordered stricken."

(Vol. Five of Record, Objections to "Report", page 39, first paragraph; Exhibit "B", page 39-A).

Canon 29 of professional ethics of the Chicago and Illinois Bar Associations, admonished:

"Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession', and should accept without hesitation employment against a member of the Bar who has wronged his client."

John W. Scheltheff, attorney for a pretended, unseen and unheard of complainant, and for the purported commissioners, admitted that there was no evidence; that the "evidence" consisted of "all of the complaints and actions that were filed" by petitioner "over the years". (Supplemental Record, transcript of proceedings had on April 2nd, 1970, page 32, first paragraph).

The same attorney had stated that he had no witnesses. (Vol. I of Record, transcript of proceedings page 41; Petition, page 12, paragraph (h); Petition, Appendix A, page 8).

The Record clearly demonstrates that the respondents have proceeded unconstitutionally, without jurisdiction, without authority, without a signed and verified complaint, or a signed complaint, as required and specified by Section 751(b) of Chapter 110A, Illinois Revised Statutes, set forth on page 5 of the Petition, and without a complainant or any witness having appeared to testify, and without evidence.

Moreover, the respondents have proceeded unconstitutionally, without jurisdiction and without authority, to act as a super-court or board of inquisition, outside of, or over and above, the duly constituted State and Federal Court system, to review, re-adjudicate, inquire into, intermeddle, interfere with, obstruct and deprive the petitioner of the equal right to sue, to be party litigant, to give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property. (Petition, pages 7-27, giving specific references to the Record.)

> "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection." Marbury v. Madison, 1 Cranch 137, 163, C.J. Marshall.

The equal right to protection of person, property or reputation, and "to find a certain remedy in the laws for all injuries and wrongs," is explicitly guaranteed by the Illinois Constitution, Article II, Section 19.

> "And it is no objection to say that it will occasion multiplicity of actions; for if men will multiply injuries, actions will be multiplied; for every man that is injured ought to have his recompense." Ashby v. White, 2 Ld. Raym. 930, 935, (Holt, C.J.)

Additional authorities: Lawrence v. Hagerman, 56 Ill. 68, 78; 8 Am. Rep. 674; Shelly Oil Co. v. Universal Oil Products Co., 338 Ill. App. 79, 84, 86 N.E.2d 875.

Respondents' Appendix III on pages 12-13 of their Brief, consists of a conglomerate of pre-conceived conclusions, signed by Lester Asher alone, without any reference to the Record, and with malice aforethought. The contents are patently fictitious and unfounded, calculated to deceive and mislead, therefore, a fraud upon the Court.

The examples of respondents' behavior pattern, described on pages 5 to 17, beginning with the last paragraph on page 5, herein, with specific references to the Record, demonstrate that they shield and protect malefactors and persons engaged in illegal and unethical activities.

Their use of publicity is a defensive instrumentality, intimidating and defaming, even the judiciary, with the ulterior motive of concealing and preventing exposure of their unethical and illegal practices.

The respondents pretend to function as commissioners of the Illinois Supreme Court, without examination of their qualifications by a governmental authority, without the oath administered to them, and without taking and subscribing to the oath or affirmation to function as commissioners, and without certification by any governmental authority.

In reality, their behavior described on pages 5 to 17, beginning with the last paragraph on page 5, and on pages 7 to 27 of the Petition, negates and subverts Constitutional government and establishes anarchy.

CONCLUSION.

For the reasons stated in the Petition and in this Reply to respondents' Brief, it is respectfully submitted, that the Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

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